

# Planning Committee

## 4 March 2020



<b>Application No.</b>	19/01699/HOU		
<b>Site Address</b>	41 Windsor Road, Sunbury on Thames		
<b>Applicant</b>	Mrs Aleksandra Alla Blavatnik		
<b>Proposal</b>	Erection of a single storey side and rear extension		
<b>Case Officer</b>	Susanna Angell		
<b>Ward</b>	Ashford Town		
<b>Called-in</b>	The applicant is an employee of Spelthorne Borough Council and in accordance with the Planning Code (paragraph 38) this application is being reported to Committee for a decision.		
<b>Application Dates</b>	Valid:18.12.2019	Expiry: 06.03.2019	Target: Extension of time agreed
<b>Executive Summary</b>	This application is for the erection of a single storey side and rear extension. The extension would wrap around the north west corner of the property extending 2.3m in width and 3m in depth from the rear of the property. The height of the extension is 3m. The extension is designed with a flat roof to reflect the appearance of the existing town house. The proposal is considered to be acceptable in terms of its impact on the character of the area and impact on the amenity of neighbouring properties.		
<b>Recommended Decision</b>	Approve the application subject to conditions as set out at Paragraph 8 of the Report.		

## 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:

- EN1 (Design of new development)

Design of Residential Extensions and New Residential Development SPD 2011

### 2. Relevant Planning History

2.1 There is no relevant planning history.

### 3. Description of Current Proposal

3.1 This application relates to 41 Windsor Drive, Sunbury which is a 3 storey end of terrace dwelling located on the northern side of Windsor Drive. The dwelling is a town house designed with a flat roof. The properties immediately to the east and west of the site are also 3 storey terraced dwellings. The properties to the south are two storey terraced dwellings.

3.2 It is proposed to erect a single storey side and rear extension. The extension would wrap around the north - west corner of the property extending 2.3ms in width and 3m's in depth from the rear of the property. The extension would be 3m's in height. The side extension would incorporate a garage door in its frontage and bi fold doors in its rear elevation.

3.3 The proposal represents an amendment to the original submission which proposed a two storey side extension.

### 4. Consultations

4.1 The following table shows the consultee and the response.

Consultee	Comment
Environmental Health	No objection but Pollution Control request an informative relating to contamination regarding asbestos to be attached to the decision notice.

### 5. Public Consultation

5.1 3 letters of representation, 2 in relation to the original application, 1 in relation to the amended plans received raising the following concerns:

- The two storey extension will block light to living areas including my ground floor bedroom (Officer note: the two storey extension has been amended to a single storey extension)
- The proposed first floor window will cause loss of privacy (Officer note: the two storey extension has been amended to a single storey extension and no windows are proposed in the side elevations.)
- Boundary encroachment/run off concerns
- Planning statement submitted does not relate to the application site

## **6. Planning Issues**

- Design and appearance
- Impact on neighbouring properties

## **7. Planning Considerations**

### Design and Appearance

- 7.1 Policy EN1(a) of the Core Strategy & Policies DPD (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.
- 7.2 The northern side of Windsor Drive consists of 3 storey terraced dwellings laid out in staggered blocks. To the south of the application site the character consists of two storey terraced blocks laid out in a uniform manner.
- 7.3 The proposed side extension would have a flat roof. However, this would reflect the design of the host dwelling and is considered to be acceptable in appearance. The rear element would also be flat roofed in design (reflecting the host dwelling) and is also considered appropriate. It is considered that the development would have an acceptable impact on the character and appearance of the surrounding area.

### Impact on Neighbouring Properties

- 7.4 Policy EN1(b) of the CS & P DPD states that proposals for new development should demonstrate that they will 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 of outlook.

- 7.5 The application property is sited much deeper in the plot in comparison with the neighbouring property to the west (no.39). The Council received a representation from the occupants of this property raising concerns about loss of light and privacy. The representation was received in relation to the originally submitted application for a two storey side extension. However, following discussion with the Council the applicant has submitted amended plans removing the two storey element. The proposal is now solely single storey. The surrounding neighbours have been notified of this amendment and any comments received will be reported at the Planning Committee meeting.
- 7.6 The application property has an existing low profile extension located along its western side elevation, which is 2.1m to its eaves and 2.8m to the ridge of its roof. This is to be demolished. The proposed new extension would be flat roofed and taller, standing 3m overall in height and extending 11.5m along the western boundary. It is relevant to note that a single storey side extension, with an eaves height of 3m could be built under "Permitted Development" legislation. In addition, a single storey rear extension (from the rear of the original dwelling) similar to that proposed could also be erected under permitted development. The element which would not be permitted development is the part which is not to the side or rear of the original dwelling house.
- 7.7 Number 39 is also set back 2m from the boundary with the application property. Its closest window to the boundary serves a toilet, while the living room is located at first floor. Overall, given the height and location of the extension and the fact that it will be replacing an existing side extension (albeit smaller in size), it is not considered that the proposal would result in significant loss of light or overbearing impact.
- 7.8 In terms of impact on privacy no new windows are proposed in the western elevation of the extension and as a result no loss of privacy would occur.
- 7.9 The rear extension would be located 1m off the boundary with the adjoining terraced dwelling no.43 and would extend 3m in depth. This depth would comply with the guidance in the Councils SPD on Design. There would be no window openings in the eastern elevation of the extension and overall the relationship is considered acceptable avoiding significant loss of light, privacy and overbearing impact.

#### Equality Act 2010

- 7.10 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- 7.11 The elimination of discrimination, harassment and victimisation;  
The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;  
The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

## Human Rights Act 1998

- 7.12 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.13 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.14 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.15 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

## Financial Considerations

- 7.16 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.

There are no financial considerations which are material or not material in the determination of this proposal.

## **8. Recommendation**

- 8.1 GRANT subject to the following conditions:

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

Reason:-.This condition is required by Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The extension hereby permitted shall be carried out in facing materials to match those of the existing building in colour and texture.

Reason:-.To ensure a satisfactory external appearance in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

3. The development hereby permitted shall be carried out in accordance with the following approved plan: Plan no 101, Location plan and Site plan rec'd 14.01.2020 Amended plan 201 rec'd 30.01.2020.

Reason:-.For the avoidance of doubt and to ensure the development is completed as approved.

4. That no openings of any kind be formed in the western or eastern elevations of the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:- To safeguard the privacy of the adjoining property(ies) in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

## INFORMATIVES TO APPLICANT

- 1 This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Spelthorne Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by -

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed, we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process.

However, Spelthorne Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application are required.

Pre-application advice was not sought prior to submission and alterations were required to overcome concerns. These were sought and the applicant agreed to the changes.

- 2 The applicants should be mindful not to create a dust nuisance during demolition works, particularly where any asbestos containing materials may

be present. If removal of asbestos cement sheet roofing is required appropriate removal (without significant damage), handling and disposal by competent persons is required. The Health & Safety Executive (HSE) have produced a guide to safe removal of asbestos cement sheets, which outlines good practice, how to prepare and what equipment is needed, how to remove the sheets and how to deal with the sheets once removed:

<http://www.hse.gov.uk/pubns/guidance/a14.pdf> . There is also information on the HSE website about how to comply with the regulations, including a more generic guide to working safely with asbestos - <http://www.hse.gov.uk/asbestos/protect.htm>.