

# Planning Committee

11 November 2020



<b>Application Nos.</b>	20/00874/RVC		
<b>Site Address</b>	18 Riverside Close, Staines-upon-Thames, TW18 2LW		
<b>Proposal</b>	The variation of Condition 2 (approved plans) imposed upon planning permission 19/00186/HOU, to allow for alterations to the garage to include an increase in eaves height, the installation of 4 roof lights and alterations to the proposed door and window openings.		
<b>Applicant</b>	Mr Andy Ash		
<b>Ward</b>	Riverside and Laleham		
<b>Call in details</b>	The application has been called in by Councillor Harman as a result of concerns over the impact upon the character of the area.		
<b>Case Officer</b>	Matthew Churchill		
<b>Application Dates</b>	Valid: 10.08.2020	Expiry: 05.10.2020	Target: Extension of time agreed
<b>Executive Summary</b>	<p>This application is seeking planning permission retrospectively for works to a garage that have been constructed at variance to the approved plans of planning permission 19/00186/HOU, which was granted in April 2019.</p> <p>It was drawn to the Local Planning Authority's attention that the garage had been constructed at variance to the approved plans. Following a visit by the Council's Planning Officers, the officers are satisfied that the garage has been constructed in the correct location. The ridge height (4.5 metres) is also correct. However, the following alterations have been constructed that were not approved in the consented scheme:</p> <ul style="list-style-type: none"><li>• The eaves height (2.75 metres approx.) is 0.2 metres higher than the consented scheme (2.55 metres approx.).</li><li>• An oriel window has been inserted into the front elevation above the garage door.</li><li>• 3 roof lights have been inserted into the western flank elevation.</li><li>• A further roof light has been inserted into the eastern flank elevation.</li><li>• A doorway has been incorporated in the eastern flank and a window in this elevation has been revised.</li><li>• Cedar Cladding panels (0.4 x 6.5 metres) have been introduced to both flank elevations.</li></ul> <p>This application is seeking planning permission to retain the above alterations, which were not approved in the original scheme. A further application for a wall and gates between the garage and the northern</p>		

	<p>boundary wall is also pending consideration at the site (20/00876/HOU), which has also been called into Planning Committee.</p> <p>Whilst the garage has been constructed at variance to the plans approved in planning permission 19/00186/HOU, this in itself is not a planning reason to justify a recommendation for refusal. Instead it is important to carefully consider whether the alterations to the consented scheme would be acceptable in planning terms.</p> <p>There are a number of domestic scale garages at surrounding properties, which are accessed through Riverside Drive. It is considered that the 0.2 metre increase in eaves height, the insertion of roof lights, the incorporation of cedar cladding, and the insertion of a door and window in the western flank and an oriel window in the front elevation, would have a satisfactory impact upon the character of the area.</p> <p>It is further considered that the alterations have an acceptable impact upon residential amenity, the flood event area and parking provision. The proposal is therefore considered to be in accordance with policies EN1, CC2, CC3, and LO1 and is recommended for approval.</p>
<p><b>Recommended Decision</b></p>	<p>This application is recommended for approval subject to conditions.</p>

## MAIN REPORT

### 1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies Development Plan Document (CS&P DPD) 2009 are considered relevant to this proposal:

- SP1 - Location of Development
- SP6 – Maintaining and Improving the Environment
- EN1 - Design of New Development
- LO1 – Flooding
- CC2 - Sustainable Travel
- CC3 - Parking Provision

1.2 Also relevant is the Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development, 2011, and the National Planning Policy Framework (NPPF), 2019.

### 2. Relevant Planning History

The relevant planning history of 18 Riverside Close is outlined in the table below:

Application No.	Proposal	Decision
PLAN N/FUL/75/712	Erection of a two-storey side extension measuring approximately 14 ft 9 ins (4.5 m) by 31 ft 2 ins (9.5 m) to provide new lounge with bedroom and bathroom over.	Grant Conditional 24.11.1975
98/00164/FUL	Erection of garage at front	Grant Conditional 11.05.1998
98/00571/FUL	Erection of rear conservatory.	Grant Conditional 17.11.1998
18/01573/HOU	Erection of a two-storey side extension following removal of existing garage, the erection of a first floor extension to the eastern elevation, and roof alterations including the installation of two east facing and three west facing dormers following removal of existing dormers.	Grant Conditional 07.01.2018
19/00160/CPD	Certificate of Lawfulness for the proposed development of a single storey extension to the western elevation (following removal of existing conservatory)	Grant Certificate 01.04.2019
19/00186/HOU	Erection of a detached garage following demolition of existing garage.	Grant Conditional 08.04.2019
20/00876/HOU	The erection of a new boundary wall and gate at the western boundary	Pending Consideration

### 3. Description of Current Proposal

- 3.1 The application site is occupied by a two storey detached dwelling situated in Riverside Close in Staines-upon-Thames. The property has street frontages at both the front and rear of site, with a garage and off-street parking contained at the front of the dwelling (Riverside Close), and a further garage under construction at the rear of the site fronting onto Riverside Drive. A number of planning permissions have recently been granted at the property and the main dwelling is currently being extended.
- 3.2 The surrounding dwellings in Riverside Close are predominantly detached or semi-detached and are set over two storeys. The properties located to the west of the site, whilst being situated in Thames Side and facing the River Thames, generally contain a form of road frontage onto Riverside Drive. A number of surrounding properties in both Thames Side and Riverside Close

contain ancillary outbuildings and garages at the rear. Some of the surrounding dwellings also contain driveways, fences, gates and parking areas, which adjoin the roadway. Other properties contain grass verges, which leave a gap to the roadway.

3.3 Planning permission was granted at the site in April 2019 for the erection of a detached garage, which was to be constructed following the demolition of the existing garage (19/00186/HOU). The previous garage has since been demolished and construction has commenced on the new garage. It was drawn to the Local Planning Authority's (LPA's) attention that the garage has not been constructed in accordance with the approved plans.

3.4 The Council's Planning Officers have visited the site and are satisfied that the garage has been constructed in the correct location when measured from the main dwelling house. However, the following changes are proposed in this application, which were not granted in the consented scheme:

- The eaves measure approximately 2.75 metres in height which is 0.2 metres taller than the eaves height approved in the existing planning permission (2.55 metres approx.).
- An oriel window has been inserted into the front elevation.
- Three roof lights have been inserted into the western roof slope
- A further roof light has been inserted into the eastern roof slope.
- A revised window and new doorway have been incorporated within the eastern flank elevation.
- Cedar Cladding panels have been incorporated in the eastern and western flanks.

3.5 Whilst the garage has been constructed at variance to the approved plans of planning permission 19/00186/HOU, this is not a planning reason in itself to recommend the application for refusal. The Local Planning Authority must instead carefully consider whether the alterations constructed at variance to the approved plans would be acceptable in planning terms.

#### 4. Consultations

Consultee	Comment
Environmental Health	No comments
County Highway Authority	The site is accessed from Riverside Close, which is a private road and falls outside of the County Highway Authority's Jurisdiction.

#### 5. Public Consultation

5.1 The Local Planning Authority has consulted the occupiers of the neighbouring properties. A total of letters 7 of representation have been received, which object to the proposal on the following grounds:

- The garage projects beyond the boundary onto the footpath and highway (Officer Note: The Council's Planning Officers are satisfied that the garage has been constructed in the correct location).

- Concerns over the scale and bulk of the garage.
- The eaves height is out of character with the street scene.
- The garage has an unacceptable impact upon the amenity.
- Boundary treatment has not been provided (Officer Note: A wall and gates are proposed in planning application 20/00186/HOU).
- Concerns over the storage of waste and refuse.
- The application will have an adverse impact upon flooding and Substantiable Urban Drainage Systems (SUDS).
- Concerns over the impact upon highway safety.
- The applicant should have submitted a flood risk assessment (Officer Note: flood risk assessments are only requested where an extension is proposed in flood zone 3b).
- The garage is contrary to the property's deeds (Officer Note: This is not a planning matter).
- A site notice has not been displayed (Officer Note: A site notice is optional for this development type and is not required to be displayed).
- Guttering will be added, which will increase the projection of the garage.
- The roof lights provide opportunities for overlooking.
- The works have already taken place.
- The garage could be used for more than just storage.
- Concerns that the garage could be used for habitable accommodation.
- The garage has an overbearing impact upon the street scene.
- Objections that the alterations have been constructed without planning permission.

5.2 It should be noted that the Council received revised plans during the application process, which were advertised to the occupiers of neighbouring and adjoining dwellings on 06.10.2020. Further plans were also received on 21.10.2020, which clarify the position of the northern boundary wall. It was not considered necessary to re-advertise such plans, as they do not materially alter the proposal.

## 6. Planning Issues

- The character and appearance of the development
- Amenity
- Parking provision
- Flooding

## 7. Planning Considerations

## Design & Appearance

- 7.1 Policy EN1 of the CS&P DPD, states that the LPA will require a high standard in the design and layout of new development. The policy further states that development proposals should demonstrate that they will create buildings and places that are attractive with their own distinct identity, and should make a positive contribution to the street scene and character of the area in which they are situated, paying due regard to the scale, height, layout, materials and other characteristics of adjoining buildings and land.
- 7.2 The NPPF states that planning decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping, and are sympathetic to the local character and history and surrounding built environment, whilst not preventing or discouraging appropriate innovation or change.
- 7.3 In April 2019, planning permission was granted at the property for the erection of a detached garage, which would have been constructed following demolition of the existing garage (19/00186/HOU). The previous garage has been demolished and works to construct the new garage have commenced. The Council's Planning Officers have undertaken a site visit and are satisfied that the garage has been constructed in the correct location when measured from the main dwelling. The ridge over the garage has also been constructed to the correct height (4.5 metres).
- 7.4 However, the following alterations have been constructed at variance to the approved plans:
- The eaves height measures 2.75 metres (0.2 metres greater than approved in planning permission 19/00186/HOU).
  - 3 roof lights have been inserted into the western roof slope.
  - 1 roof light has been inserted into the eastern roof slope.
  - An 'oriel' window has been incorporated into the front elevation.
  - Cedar cladding has been included in the eastern and western flanks.
  - A door has been inserted into the western flank and there have been alterations to the proposed window.
- 7.5 Planning permission has already been granted for a garage in this location. The applicant is seeking planning permission for the variations listed above, which have been constructed at variance to the consented scheme. Whilst the garage has been constructed at variance to the approved plans, this in itself, would not be a planning reason to justify a recommendation for refusal. The LPA must instead carefully consider whether the above alterations would cause undue harm to the character of the area, whether they would cause any other harm and whether the proposed alterations are acceptable or not in planning terms. It must also be acknowledged that a number of letters of representation have been received, which have raised concerns over the impact of the garage upon the character of the area and the perceived overbearing visual impact upon the street scene.

- 7.6 **Eaves Height** – It is considered that the proposed increase in eaves height to 2.75 metres from the approved 2.55 metres, would have a satisfactory impact upon the character of the area. A number of garages are located at surrounding properties, which front onto Riverside Drive. Other planning permissions for garages in the immediate vicinity of the site have been looked at and where plans were available, the eaves heights generally ranged from between 2.4 to 2.65 metres (measured from ground level to point where the outside wall would meet the roof). This application is seeking planning permission for a 0.2 metre increase in eaves height in comparison to the consented scheme. The 2.75 metre eaves height is not considered to cause undue visual harm in the context of neighbouring garages and the existing planning permission at the site. Moreover, the eaves height is not viewed to result in an overbearing or over-dominant appearance and is considered to have a satisfactory visual impact upon the wider street scene.
- 7.7 **Roof Lights** – The garage contains 3 roof lights in the western flank elevation (road facing) and 1 roof light in the eastern flank (dwelling facing). The roof lights are not considered to cause harm to the character of the area as a result of their siting and scale in the roof.
- 7.8 **Oriel Window** – The oriel window is contained in the front elevation of the garage and is be situated 2.96 metres (approx.) above ground level. Given the relatively modest scale of this window and its position within the front elevation, it is considered to have an acceptable visual impact on the surrounding locality.
- 7.9 **Cedar Cladding** – A cedar cladding panel measuring 0.4 x 6.5 metres has been incorporated in both the eastern and western flanks. It is considered that this would have an acceptable impact upon the surrounding character.
- 7.10 **Door & Window** – The door and window in the western flank elevation are not visible from the public street scene and are not considered to have an adverse impact upon visual amenity
- 7.11 The footprint and location of the garage were accepted in planning permission 19/00186/HOU. As the garage has been constructed in the correct approved location, a recommendation for refusal could not be justified on the basis that the location of the garage and its proximity to the roadway.
- 7.12 Whilst the garage has been constructed at variance to the approved plans, this is not a planning reason in itself to justify a recommendation for refusal. Instead the LPA must make a planning judgement as to whether the alterations outlined above would cause demonstrable planning harm in comparison to the consented scheme (19/00186/HOU). It is considered that the cumulative impact of the increased eaves height, the insertion of roof lights, and oriel window, cedar cladding and doorway & window in the western flank, would have an acceptable impact upon the character of the area, and the proposal is considered to be in accordance with policy EN1 in design terms.

#### The Amenity of Neighbouring Occupiers

- 7.13 Policy EN1 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 impacts in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk proximity or outlook.
- 7.14 The NPPF states that planning decisions should create places with a high standard of amenity for existing and future users.
- 7.15 As highlighted above, planning permission has been granted for a garage in this location and the principle of a garage in this part of the site has been accepted. The LPA must carefully consider whether the alterations in comparison to the consented scheme would cause harm to the amenity of any adjoining dwellings.
- 7.16 The increase in eaves height by 0.2 metres is considered to have an acceptable impact upon the light entering no.19 Riverside Road situated to the south of the site. Moreover, the increase in eaves height is not considered to cause an overbearing impact upon the occupiers of this property, particularly as the ridge height (4.5 metres) remains unchanged.
- 7.17 The garage is also located some 8 metres from the boundary with no.17A Riverside Close and is considered to have an acceptable impact upon the light of this property. At such a distance the increased eaves height would also not have an overbearing impact. The increase in eaves height is also considered to have an acceptable impact upon all further properties in the surrounding locality.
- 7.18 The LPA has received a number of letters of representation, which raise concerns that the proposed roof lights would lead to opportunities for overlooking. The garage has a single storey and the roof lights would be more than 1.7 metres above floor level. It is not considered that an objection could be reasonably sustained on the grounds of overlooking. The oriel window in the front elevation would also be in excess of 1.7 metres above floor level and is also considered to have an acceptable impact upon privacy.
- 7.19 The cedar cladding and door and window openings in the western elevation are also considered to have an acceptable impact upon amenity. The proposal is therefore considered to have an acceptable impact upon the amenity of all neighbouring and adjoining dwellings.

#### Parking Provision & Highway Impacts

- 7.20 Policy CC2 of the CS&P DPD states that the LPA will seek to secure more sustainable travel by only permitting traffic generating development where it can be made compatible with transport infrastructure in the area taking into account access and egress to the public highway and highway safety. Additionally, policy CC3 states that the LPA will require that sufficient provision is made for off-street parking in accordance with its Parking Standards.

- 7.21 The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact upon highway safety or if the residual cumulative impacts on the road network would be severe.
- 7.22 The garage is in adherence to the LPA's minimum internal garage dimensions as set out in the Council's Parking Standards (2.4 x 4.8 metres). As the garage has replaced a previous garage, it is considered to have an acceptable impact upon parking provision across the site. Further off-street parking spaces are also available at the front of the dwelling.
- 7.23 The applicant has provided a vehicle tracking plan, which demonstrates that it is possible for a car to leave and enter the garage. It must also be noted that the previous garage was situated in a similar position to the current garage.
- 7.24 The LPA has received a number of letters of representation, which object to the proposal on the grounds that the garage projects further towards the highway than the previous garage, with particular concerns also raised over access to Riverside Drive for emergency vehicles.
- 7.25 The application is seeking planning permission for alterations to planning permission 19/00186/HOU, which have been constructed at variance to the approved plans. The Council's Planning Officers have undertaken a site visit and are satisfied that the garage has been constructed in the correct location, as shown in the approved plans of planning permission 19/00186/HOU. As the applicant is not applying to vary the location of the garage, a recommendation for refusal could not be justified on the grounds of the projection towards the highway.
- 7.26 It should also be noted that whilst there is a gap between some properties in Thames Side and Riverside Close and the roadway of Riverside Drive, other properties contain features such as driveways, parking areas and fences and gates, which project up to the roadway.
- 7.27 The proposal is therefore considered to have an acceptable impact upon parking provision and the highway and is considered to be in adherence to policy CC2 and CC3.

#### Flooding

- 7.28 The application site is located in the 1 in 100 year flood event area (Flood Zone 3a). The garage has been constructed in the correct location and it also has the same footprint as the consented garage (19/00186/HOU). It is therefore not considered that an objection could reasonably be sustained on flooding grounds.
- 7.29 It is also considered that the garage will have an acceptable impact upon the flood event area provided that it adheres to the conditions recommended by the Environment Agency in its Standing Advice, which are recommended to be attached to the decision notice.

- 7.30 It is noted that the LPA received a letter of representation in regards to the absence of a Flood Risk Assessment (FRA). An FRA is not considered to be required in this instance, providing that the applicant adheres to the conditions in the Environment Agency's Standing Advice.

#### Other Matters

- 7.31 The LPA has received a total of 7 letters of representation in objection to the proposal. Of the objections not already covered in this report, requirements in the property's deeds fall outside of planning legislation and would not be a planning reason to justify a recommendation for refusal.
- 7.32 A concern has been raised in the letters of representation that the garage would be used for habitable accommodation. The application is proposing a garage and must be determined on this basis. However, it is recommended that a condition is attached to the decision notice which requires the garage to remain ancillary to the host dwelling. It is also not considered reasonable given the nature of the works, for the LPA to require the applicant to provide details of waste and recycling.

#### Equalities Act 2010

- 7.33 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 to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need, to see whether the duty has been performed.

The garage has an internal width of 4.3 metres and an internal depth of 6.5 metres, which exceeds the minimum dimensions for a disabled parking space outlined in the Council's Parking Standards (3.6 x 4.8 metres).

#### Human Rights Act 1998

- 7.34 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.35 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.

- 7.36 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.
- 7.37 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.

#### Finance Considerations

- 7.38 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are 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.
- 7.39 In consideration of S155 of the Housing and Planning Act 2016, the proposal is not CIL liable.

### **8. Conclusions**

- 8.1 The garage has been constructed at variance to the approved plans of planning permission 19/00186/HOU. The eaves height has been increased from 2.55 metres in the consented scheme (approx.) to 2.75 metres (approx.) in the current application. In the context surrounding garages and outbuildings, the increase eaves height is considered to have an acceptable impact visual impact upon the character of the surrounding street scene. The roof lights, oriel window, cedar cladding and door and window in the eastern flank elevation are also considered to have an acceptable impact upon the character of the area.
- 8.2 The 0.2 metre increase in eaves height is considered to have an acceptable impact upon the light of neighbouring and adjoining dwellings and is not considered to result in an overbearing impact. The roof lights and oriel window are situated in excess of 1.7 metres above floor level and the garage is set over a single storey. The door and window in the western flank elevation would be at ground floor level and are not considered to provide opportunities for overlooking. The development is therefore considered to have an acceptable impact upon light, privacy and amenity.

- 8.3 The alterations are not considered to have an adverse impact upon parking provision. The application would also have an acceptable impact upon the 1 in 100 year flood event area provided it adheres to the conditions recommended by the Environment Agency in its Standing Advice, which will be attached to the decision notice.
- 8.4 The proposal is therefore considered to be in accordance with the objectives of policy EN1, policy CC2, policy CC3, policy LO1 and the NPPF.

## 9. Recommendation

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 05-EX-GAR-000 Revision 14, 05-EX-GAR-001 Revision 14, 05-PR-GAR-000 Revision 14, 05-PR-GAR-001 Revision 14, 05-PR-GAR-002 Revision 14 (Received 22.09.2020) 02-PR-GAR-000 Revision 16, 03-EX-GAR-000 Revision 16, 03-PR-GAR-000 Revision 16, 05-PR-GAR-002 Revision 16 (Received 21.10.2020) 02-EX-000 Revision 17 (Received 30.10.2020)

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

- 2 That the garage development hereby permitted be used only for purposes ancillary to the existing dwelling and not for any other purposes without prior planning consent of the Local Planning Authority

**Reason:** In the interests of residential amenity and the character of the area.

- 3 There shall be no raising of existing ground levels on the site within the area liable to flood, other than in accordance with the approved details.

**Reason:** To prevent the increased risk of flooding due to impedance of flood flows and reduction in flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 4 All spoil and building materials stored on site before and during construction shall be removed from the area of land liable to flood upon completion.

**Reason:** To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

## INFORMATIVES TO APPLICANT

- 1 Access by the Fire Brigade  
Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the

Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings. There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).

- 2 The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary. The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary.