

Planning Committee

31 March 2021



Application No.	20/01573/FUL		
Site Address	Old Watch House, 6 - 8 Wolsey Road, Ashford		
Applicant	Mr Sam Rosenthal		
Proposal	Erection of a second floor extension to create an additional flat, and alterations to an existing approved 1 bed flat together with external alterations and provision of cycle parking and refuse storage.		
Officers	Kelly Walker		
Ward	Ashford Town		
Call in details	This application has been called in by Cllr Rybinski due to concerns on the character and appearance of the host building and surrounding area.		
Application Dates	Valid: 22.12.2020	Expiry: 03.03.2021	Target: Extension of Time agreed
Executive Summary	<p>This planning application seeks the erection of a second floor extension in the form of 2 pitched-roofs linked together, one set back from the other to provide an additional flat. It also includes alterations to an existing approved flat (on the first floor to provide access to the second floor) with external alterations and the provision of cycle parking and refuse storage. The site has previously been converted from an office to residential use under the Prior Approval procedure and planning permission was subsequently granted for external alterations to the building.</p> <p>It should also be noted that a similar application for an extension at second floor level, providing an additional flat, with a very different design, was recently dismissed at appeal. However, this current scheme has been submitted with an improved design in order to overcome the Inspector's only reason for objecting to the scheme.</p> <p>The proposal is considered to be acceptable in terms of design, impact on the character of the area. and impact on the amenity of neighbouring properties. It will also be acceptable on parking grounds. The proposal will provide a new residential unit, with a good standard of accommodation, on an existing residential site, in a sustainable location.</p> <p>The application is considered to conform to Policies EN1 and CC2 of the Core Strategy and Policies DPD 2009. There are no significant or demonstrable reasons that would outweigh the benefits of the scheme in regard to the tilted balance. The application is recommended for</p>		

	approval.
Recommended Decision	The 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:
- SP2 (Housing Provision)
 - HO1 (Providing for New Housing Development)
 - SP6 (Maintaining and Improving the Environment)
 - EN1 (Design of New Development)
 - EN15 (Development on Land Affected by Contamination)
 - SP7 (Climate Change and Transport)
 - CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
 - CC2 (Sustainable Travel)
 - CC3 (Parking Provision)
- 1.2 Also relevant are the following Supplementary Planning Documents/Guidance:
- SPD on Design of Residential Extensions and New Residential Development 2011
 - SPG on Parking Standards Updated 2011
- 1.3 The advice contained within the National Planning Policy Framework (NPPF) 2019 is also relevant.

2. Relevant Planning History

19/01201/FUL	Erection of a 2nd floor extension to create an additional 1 no. 2 bed unit, alteration to approved 1 no. 1 bed duplex unit, external alterations, and provision of associated cycle parking and refuse storage.	Refused 24.10.2019 Appeal dismissed 27.11.2020
19/00200/FUL	External alterations to the building	Granted 11.04.2019

19/00063/AMD	Minor amendment to 19/00063/PDO	Granted 27.02.2020
19/00063/PDO	Prior approval notification for the change of use of the building from (B1) office to residential (C3) consisting of 9 no. one and two bedroom units	Granted 18.03.2019
18/00316/DCE1	Discharge of condition 1 (contamination) of permission 18/00316/PDO	Discharged 03.05.2019
18/00316/PDO	Prior approval notification for the change of use of the building from (B1) office to residential (C3) consisting of 9 no. one and two bedroom units	Granted 04.05.2018

3. Site Description

- 3.1 The application site is located on the southern side of Wolsey Road and is a rectangular plot. The site comprises a building previously occupied by The Old Watch Factory Limited as a commercial use, but which has undergone external alterations and conversion works to provide 9 flats. There is hardstanding to the front which provides some off-street parking spaces and a small yard to the rear. The building has two storeys with a flat roof to the frontage and to its western flank facing 4 Wolsey Road. The eastern flank facing 10 Wolsey Road is single storey with a pitched roof. Wolsey Road is otherwise residential in character but with a mix of housing types and styles..
- 3.2 There are some single storey bungalows on the opposite side of the road, but two storey houses with pitched roofs predominate. Some have gable fronted roofs with hips to the sides, such as Nos. 2 and 4; others have hips to the front and sides, such as Nos. 10 and 12. There is variation in external materials to the houses. The site is surrounded by residential development comprising a mix of semi-detached and detached houses with some terraced houses and flats along Stanwell Road.

Background

- 3.3 The building has residential use and has been converted from the former office use. Prior approval was given for the change of use of the building to 9 no. one and two bed flats (ref 19/00063/PDO). Following this approval, planning permission was given for external changes to the building (ref 19/00200/FUL). These alterations comprised the replacement of windows and doors, alterations to door and window openings, replacement of roof and installation of balconies with glass privacy screens. These works have been completed and the property is in residential use as flats, although it is understood that not all of the units are occupied.

- 3.4 Planning application ref 19/01201/FUL proposed the erection of a second floor extension to create an additional 1 no. 2 bed unit, together with alterations to the approved 1 no. 1 bed duplex unit (for access to the second floor), external alterations, and provision of associated cycle parking and refuse storage. This was refused in October 2019 on design grounds only. The reason for refusal is stated below:-

The proposal would, by reason of design, scale and location, appear visually obtrusive and out of character with the surrounding street scene, not paying due regard to the design of the host building. It would have negative impact and fail to make a positive contribution to the surrounding area. The proposal is, therefore, contrary to Policy EN1 of the Core Strategy and Policies DPD 2009, the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 and the NPPF 2019.

- 3.5 The decision was subject to an appeal and the Inspector considered that the despite the benefits of the scheme providing housing, the only reason to dismiss the appeal was in relation to the design. In the appeal decision the Inspector considered that the main issue was the effect of the development on the character and appearance of the host building and surrounding area. He made the following comments on this issue:

'The building has already provided 9 dwellings in an innovative way towards meeting housing need. The adverse impact on the character of the area arising from the current proposal would significantly and demonstrably outweigh the benefit of providing a tenth unit, when assessed against the policies in the Framework taken as a whole.'

- 3.6 He did not consider that the appeal should be dismissed on any other grounds, including those of overdevelopment or parking. He stated that, *'...I have noted the representations from residents, all against the proposal; these do not change my findings on the proposal's merits.'*
- 3.7 It is important to note that this recent appeal decision is a material planning consideration and must be given significant weight in the consideration of any further similar types of applications at the site. The current proposal is for a similar scheme in terms of the description: a proposed extension at second floor level to provide an additional flat. However, the design has been amended to make improvements and to address the reason to dismiss the appeal. As such, design is the only issue that can be a material reason to refuse the current scheme, given it is for a very similar proposal to that considered by the Inspector at appeal.

Description of Current Proposal

- 3.8 The proposal is for the erection of a second floor extension to the existing building to provide an additional flat. The proposal includes a dual pitched roof, one set further forward than the other, given the stepped nature of the existing building, and are linked together. This results in the eaves level remaining the same as existing (which is higher than the neighbouring properties) and the roof sloping in from the side boundaries up to the ridges. The height of the two ridges will be the same; they will be taller than the

properties to the east at 10 and 12 Wolsey Road, but lower than those of 2 and 4 Wolsey Road to the west. The extension will be built from materials to match the existing building, with white render and metal framed windows. It will also have grey slate roof tiles and zinc or vertical tile cladding for the link feature. The proposed flat will have two bedrooms, a kitchen to the front and a living room area to the rear of the proposed roof extension. The flat would be dual aspect, with windows in the front and rear. Side facing windows are proposed in the new roof at a high level. There will also be a roof top terrace at the rear, which will have a 2m high, larch screen enclosing it. There will be some minor alterations to an existing flat on the first floor to provide space for stairs up to the proposed flat in the roof extension. The proposal also includes refuse storage facilities to the front of the site and cycle parking provision.

3.9 The proposed indicative site layout is provided as an Appendix.

4 Consultations

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

Consultee	Comment
County Highway Authority	No objection. Recommends a condition

5. Public Consultation

5.1 A total of 16 properties were notified of the planning application. Eight letters of objection have been received raising the following issues:-

- parking/highway issues
- overdevelopment
- overlooking
- previous permission refused
- noise and disturbance (in particular from the roof terrace)

6. Planning Issues

- Principle of the development
- Design and appearance
- Amenity of future occupiers
- Impact on amenity of neighbouring properties
- Residential amenity
- Highway issues

7. Planning Considerations

Housing Land Supply

7.1 When considering planning applications for housing, local planning authorities should have regard to the government's requirement that they significantly boost the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF) 2019.

- 7.2 The Council has embarked on a review of its Local Plan and acknowledges that the housing target in its Core Strategy and Policies DPD February 2009 of 166 dwellings per annum is more than five years old and therefore the five year housing land supply should be measured against the area's local housing need calculated using the Government's standard method¹. The standard method for calculating housing need is based on the 2014 household growth projections and local affordability. This equates to a need of 606 dwellings per annum in Spelthorne. This figure forms the basis for calculating the five-year supply of deliverable sites.
- 7.3 The NPPF requires a local authority to demonstrate a full five year supply of deliverable sites at all times. For this reason, the base date for this assessment is the start of the current year 1 April 2020, but the full five year time period runs from the end of the current year, that is, 1 April 2021 to 31 March 2026. The 20% buffer will therefore be applied to this full period. National guidance sets out that the buffer should comprise sites moved forward from later in the plan period. A 20% buffer applied to 606 results in a figure of 727 dwellings per annum, or 3636 over five years.
- 7.4 In using the objectively assessed need figure of 727 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review, the Borough's housing supply will be assessed in light of the Borough's constraints, which will be used to consider options for meeting need. The Council has now published its Strategic Land Availability Assessment (SLAA) which identifies potential sites for future housing development over the plan period.
- 7.5 The sites identified in the SLAA as being deliverable within the first five years have been used as the basis for a revised five year housing land supply figure. Spelthorne has identified sites to deliver approximately 3518 dwellings in the five year period.
- 7.6 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.8 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites. There is, therefore, a presumption in favour of sustainable development.
- 7.7 Government guidance (NPPF para 73) requires the application of a 20% buffer "where there has been significant under delivery of housing over the previous three years". In addition, guidance on the Housing Delivery Test indicates that where housing delivery falls below 85%, a buffer of 20% should be applied to the local authority's five year land supply and a presumption in favour of sustainable development if the figure is below 75%. The Housing Delivery Test result for Spelthorne Borough Council was published by the Secretary of State in January 2021, with a score of 50%. This means that less housing has been delivered when compared to need over the previous three years. As a consequence, there is a presumption in favour of sustainable development because the test score of 50% is less than the 75% specified in

¹ Planning Practice Guidance Reference ID: 68-005-20190722

the regulations. The figure of 50% compares with 60% last year and 63% in 2019. The Council's Housing Delivery Test Action Plan will be updated to reflect this. The current action plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough.

- 7.8 As a result of the above position in Spelthorne relating to the 5 year housing land supply and the recent Housing Delivery Test, current decisions on planning applications for housing development need to be based on the 'tilted balance' approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole'.

Principle of the development

- 7.9 As noted above, Policy HO1 of the Local Plan is concerned with new housing development in the Borough. HO1 (c) encourages housing development on all sustainable sites, taking into account policy objectives and HO1 (g) states that this should be done by:

"Ensuring effective use is made of urban land for housing by applying Policy HO5 on density of development and opposing proposals that would impede development of suitable sites for housing."

- 7.10 This is also reflected in the NPPF paragraph 117 which emphasises the need for the effective use of land in meeting the need for homes, whilst safeguarding the environment and provides further relevant context at paragraph 122 in respect of achieving appropriate densities.

- 7.11 The site is located within the urban area on a previously developed site, within walking distance from the High Street and Ashford train station. As such the site is within an accessible location, close to facilities and public transport links. It is not located within a high flood risk area or in the Green Belt. The existing building contains 9 flats. Therefore, the principle of creating 1 additional residential flat is considered acceptable. Furthermore, the proposal is considered to comply with the aims of National Planning Policy Framework (NPPF) and makes efficient use of urban land. The principle of the development is, therefore, acceptable, provided other policies requirements are met as discussed further below.

Housing density

- 7.15 As noted above, when considering the principle of housing, the NPPF and Policy HO1 requires new housing development to be sustainable and in the urban area and this scheme meets both of these requirements. Notwithstanding this, Policy HO5 in the Core Strategy and Policies DPD 2009 (CS & P DPD) sets out density ranges for particular context but prefaces this at paragraph 6:25 by stating:

"Making efficient use of potential housing land is an important aspect in ensuring housing delivery. Higher densities mean more units can be provided on housing land but a balance needs to be struck to ensure the character of areas is not damaged by over-development."

- 7.16 Policy HO5 specifies densities for sites within existing residential areas that are characteristic of predominantly family housing rather than flats, new development should generally be in the range of 35 to 55 dwellings per hectare. It is important to emphasise that the density ranges are intended to represent broad guidelines and development will also be considered against the requirements of Policy EN1 on design. The building also covers much of the site given its former commercial use, unlike other residential development in the locality
- 7.17 The principle of a high density development on urban land is the focus of the NPPF and Policy HO1 in order to make efficient use of previously developed and brownfield land, in sustainable locations.
- 7.18 The proposal is for 1 flat within an extension to an existing building which currently has 9 flats. The site area is some 0.0489 hectares and will therefore result in a density of 204 dwellings per hectare. Although above the recommended amount in policy HO5, this policy does permit higher densities where a development complies with policy EN1 on design particularly in terms of the character of the area and is in an accessible location. In addition, this proposal is only for one additional unit.
- 7.19 The density is considered to be acceptable provided it complies with Policy HO1 and Policy EN1 on design which is explained in the following paragraphs. It is also important to note this was not an issue raised in the previous application for an additional flat, 19/01201/FUL by the Local Planning Authority or the Inspector at the appeal. Consequently, it is considered that an objection could not be justified on housing density grounds for this particular application.

Design and appearance

- 7.20 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."*
- 7.21 As noted above, the current application has been submitted in order to overcome the previous reason for refusal and dismissal of the recent appeal. The application was refused on design grounds only. The proposal consisted of an extension at second floor level, which included a sloping roof with gables to the side and large flat roofed sections, with 2 large dormers features extending into the roof. The Planning Inspector considered the main issue was the effect of the development on the character and appearance of the host building and surrounding area.
- 7.22 He noted that the existing building's appearance contrasts with nearby housing, but its massing when viewed from the road fits readily into the street scene, with eaves levels higher than those at adjacent houses, but with a

lower overall height. He noted that the building is not unattractive and has a simple form reflective of its previous use. The appeal scheme proposed to introduce two front facing dormers into a second floor pitched roof with gable ends and the Inspector considered that this, *'... would not be sympathetic to the design of the original building'*. and *'... Whilst dormer windows would align with windows below, the dormers would appear as incongruous elements unrelated to the present form of the building or reflective of other buildings in the street scene.'*

- 7.23 He also noted that the overall proposed height would be comparable to neighbouring houses, but the width and massing, together with the flat roofed section would be poor design feature...

'... the width and massing of development at second floor level would be considerably greater than that of the ridges to adjacent hipped roofs.'

The rear flat roofed elements to both gable ends would be bulky additions, conspicuous in oblique views across the facing hipped roofs to nos. 4 and 10.

- 7.24 The Inspector concluded that the proposed design would be contrary to Policy EN1 and the SPD, which requires developments to have a high standard of design that respect and make a positive contribution to the street scene and to the character of the area in which they are situated, paying due regard to matters such as scale, height and proportions and SPD, noting that,

'...The proposal would appear as an obtrusive feature, unsympathetic to the host building, out of keeping with the character of the road and detrimental to the appearance of the street scene.'

- 7.25 The current proposal seeks to address the issues raised by the Inspector by paying better regard to the design of the host building and making a positive contribution to the street scene. The amended scheme includes a dual pitched roof, one set further forward than the other given the stepped nature of the frontage of the existing building, and a link feature joining them together. This results in the eaves level remaining the same as existing (which is higher than the neighbouring properties) and the roof sloping in from the side boundaries up to the ridges. The height of the ridges will be the same as one another, taller than the property to the east at 10 Wolsey Road but lower than no 4 Wolsey Road to the west. It will be built of materials to match the existing building, with white render and metal framed windows. It will also have grey slate roof tiles and zinc or vertical tile cladding for the link feature.

- 7.26 This design would have 2 gable features facing the street scene. The adjacent pair of semis at 2 and 4 Wolsey Road have smaller gable features fronting the street. Consequently, the proposal would now address the issues raised by the Inspector and would be, *'... sympathetic to the design of the original building.'* In addition, the design of the roof would result in not only the height, but also, *'...the width and massing of development at second floor level being comparable to the ridges of the neighbouring houses.'* This is because the proposal includes a roof with ridges, with sloping sides, and does not include a large flat roofed section or front facing dormers like the previous design and would not appear visually obtrusive.

- 7.27 The proposed design, with pitched roofs, sloping in from the side, with gable features on the street frontage and matching materials, would be in keeping with the design of the host building. It will also be in keeping with the character of neighbouring properties, providing gaps between the built form at second floor level and will have a positive contribution to the street scene of Wolsey Road. As such, it is considered the proposal overcomes the previous reason for refusal and reason for dismissing the appeal. The proposal is now considered to accord with policy EN1 and the SPD on design and is acceptable on design grounds.

Impact on neighbouring residential properties

- 7.28 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.”

- 7.29 Consideration needs to be given to ensure that there is an acceptable relationship and that existing residential properties will not be significantly adversely affected by the proposal. The Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) sets out policies requirements in order to ensure this is the case.
- 7.30 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.
- 7.31 The proposed extension will be built on top of the existing building. It will be no closer to the boundaries than the existing property and involves a new dual pitched roof, sloping in from the sides, with the eaves level remaining at the same height. The proposed roof extension is located at the front of the site in line with the adjacent dwellings only. As such, the proposal does not cross the 45 degree lines as set out in the SPD and the built form itself is not considered to have a detrimental impact on the amenity of the neighbouring properties in terms of creating loss of light or being overbearing.
- 7.32 The proposed flat will be dual aspect, with windows in the front and rear of the building. The rear facing windows will face towards the rear of the application site and are not considered to lead to overlooking issues to neighbouring sites including to the rear, given the distance to the rear boundary. Side facing windows are proposed in the new roof at a high level, these will be facing up towards the sky and above 1.7m in height from the internal floor level to ensure that overlooking or loss of privacy is not an issue. In addition, the proposal also includes a roof top terrace at the rear. This will have a 2m high, larch screen enclosing it which would be controlled by a condition, to ensure

that it does not lead to overlooking or loss of privacy to neighbouring properties.

- 7.33 The proposal is for one small residential unit on a site with 9 existing flats in a residential area. As such, it is not considered that the addition of this one unit and the presence of a terrace at high level would give rise to noise and disturbance that would cause a significant impact in terms of loss of amenity to neighbouring properties. Therefore, the proposal is considered to have an acceptable impact on the amenity of existing neighbouring residential properties, conforming to the Design SPD and Policy EN1.

Amenity of future occupants – Amenity Space

- 7.34 The Council's SPD on Residential Extension and New Residential Development 2011 provides general guidance on minimum garden sizes (Table 2 and paragraph 3.30). In the case of flats, it requires 35 sq. m per unit for the first 5 units and 10 sq. m for each of the next 5 units. Therefore, the proposal for one flat would require 35 sq. m of amenity space. The proposal provides a terraced area to the rear which has an area of approx. 25 sq. m. This would provide a usable outside amenity space for the future occupants. As such the provision of amenity space is considered acceptable. This was not considered to be a reason to refuse in the previous scheme. The Inspector did not object to the same level of amenity space in the previous appeal.

Proposed dwelling size

- 7.35 The SPD on the Design of Residential Extensions and New Residential Development 2011 sets out minimum floorspace standards for new dwellings. These standards relate to single storey dwellings including flats, as well as to 2 and 3 storey houses.
- 7.36 The Government has since published national minimum dwelling size standards in their "*Technical Housing Standards – nationally described space standard*" document dated March 2015. These largely reflect the London Housing Design Guide on which the Spelthorne standards are also based. The standards are arranged in a similar manner to those in the SPD and includes minimum sizes for studio flats. This national document must be given substantial weight in consideration of the current application in that it adds this additional category of small dwellings not included in the Council's Standards. The minimum standard for a 2-bedroom flat for 4 people is 70 sq. m.
- 7.37 The proposed unit is 2 bed flat and the proposal provides an internal floor area of some 75 sq. m. This complies with the minimum standards stipulated in the national technical housing standards and the SPD. In addition, as noted above the proposed flat has dual aspect with windows in the front and rear and also side facing ones in the roof at high level for light. This will result in a flat with a good level of both light and outlook. Therefore, the internal size of the unit, outlook and light, along with the private amenity space in the form of the roof terrace, is considered to provide a good standard of amenity for future occupants and will be acceptable.

Parking and highway issues

- 7.38 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards. The existing site has limited space for parking. The plans show space for at least two cars to the front of the property, adjacent to the road. However, these are currently used by existing occupants of the block of 9 flats and there is no additional space to provide any further off-street parking provision.
- 7.39 The County Highway Authority (CHA) was consulted on the planning application and has raised no objection to the proposed parking provision. The CHA notes that the proposed development would result in the creation of one additional residential unit, which could therefore generate a marginal increase in the parking demand of the site. The CHA has assessed the impact of any additional on-street parking from the development and considers that it is unlikely to result in a material highway safety issue. It is appreciated that available on-street parking on Wolsey Road is limited, and that the addition of vehicles in the evening - when residents are likely to be at home - could increase competition for local spaces. However, this is considered a local amenity issue rather than a highway safety concern. Furthermore, the CHA considers it is feasible that future residents of the residential units would not require ownership of a private vehicle. The site is located within reasonable walking distance of local amenities such as schools and shops, as well as public transport infrastructure including well served bus stops and Ashford Rail Station. As such it is considered that the scheme is acceptable in terms of policy CC3 on highway and parking issues.
- 7.40 The proposal does not include any parking for the new unit. However, this is not considered to be a reason for refusal in particular due to the proposal being for only 1 no. unit close to local facilities and public transport links including the train station. The CHA has raised no objection. In addition, parking was not a reason to refuse the previous scheme for one flat, or indeed a reason to dismiss that appeal. As such, it is not considered that an objection on parking grounds could be justified in this particular case.

Other matters

- 7.41 Policy CC1 of the CS & P DPD states that the Council will require residential development of one or more dwellings and other development involving new building or extensions exceeding 100 sq. m 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. The applicant has noted that they can achieve this by providing photovoltaic solar panels on the roof. A condition would be attached to any consent approved to require this.
- 7.42 Refuse and cycle storage areas are located to the front of the application site. The proposal is for one flat and the proposal provides bin storage for 4 x 1100 litre bins, and addition 1100 li compared to existing and an additional cycle parking space. The location of the bin stores will make for easy refuse collection, as is currently used as such. This is considered to be acceptable and a condition will be imposed to this accord.

Equality Act 2010

- 7.43 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:
- 7.44 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.
- 7.45 As such the application has been considered in light of the Equality Act and the scheme is considered to have due regard to this.

Human Rights Act 1998

- 7.46 This planning application has been considered against the provisions of the Human Rights Act 1998. and the following articles were found to be particularly relevant:-
- 7.47 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.
- 7.48 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.
- 7.49 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 refusal 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

- 7.50 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 In consideration of S155 of the

Housing and Planning Act 2016, the proposal is a CIL chargeable development and will generate a CIL payment based on a rate of £140 per sq. metre of net additional gross floor space, amounting to approx. £13,500. This is a material consideration in the determination of this planning application. The proposal will also generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

Conclusion

7.51 The proposal is considered to overcome the previous design issues which was the reason for refusal and why the previous appeal was dismissed. The proposed second floor extension will now pay due regard to the host building and indeed the proposed pitched roofs will be in keeping with the character of the area, conforming to policy EN1. The proposal will provide a new flat with a good standard of amenity for future occupants in a sustainable location on an existing residential site. There are no significant or demonstrable reasons that would outweigh the benefits of the scheme in regard to the tilted balance. The application is recommended for approval.

7.52 Accordingly, the application recommended for approval

8. Recommendation

8.1 GRANT subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of two 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 development hereby permitted shall be carried out in accordance with the following approved plans and drawings

Site location Plan 086-L01
Front elevations 086-E01
East elevation 086-E02
West elevation 086-E03
Southern elevation 086-E04
3D view 086-SK1
Ground floor plan 086-P00
First floor plan 086-P01
Second floor plan 086-P02
Roof plan 086-L02 all received on 22 December 2020

Proposed Section AA and BB both numbered 086-S 01 received on 15 February 2021.

Block plan number 086-L 03 received on 17/03/2021

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

3. No external materials shall be installed, until details of the materials and detailing to be used for the external surfaces of the development are submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved materials.

Reason:- To ensure that the proposed development does not prejudice the appearance of the development and the visual amenities and character of the locality, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

4. The development shall not be occupied until a report is submitted to and agreed by the Local Planning Authority which includes details and drawings 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 detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented prior to the occupation of the development and thereafter retained.

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

5. Prior to the occupation of the development, details of the screen for the proposed roof terrace shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of screening to be erected. The screening shall be completed before the proposed flat is occupied. Development shall be carried out in accordance with the approved details and maintained as approved.

Reason:- To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

6. The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles have been provided in accordance with the approved plans. Thereafter the approved cycle parking facilities shall be retained and maintained to the satisfaction of the Local Planning Authority for their designated purpose.

Reason: This condition is required in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy

Framework 2018, and to accord with policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

7. Prior to the occupation of the building, facilities within the curtilage of the site for the storage of refuse and recycling materials shall be implemented in accordance with the approved plans and retained thereafter.

Reason:- To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

Informatives to be attached to the planning permission

1. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs) -dropped-kerbs. In the event that the access works require the felling of a highway tree not being subject to a Tree Preservation Order, and its removal has been permitted through planning permission, or as permitted development, the developer will pay to the County Council as part of its licence application fee compensation for its loss based upon 20% of the tree's CAVAT valuation to compensate for the loss of highway amenity.
2. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
3. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
4. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

5. The applicant's attention is drawn to the ACPO/Home Office Secured by Design (SBD) award scheme, details of which can be viewed at www.securedbydesign.com.

6. 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.

7. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:

- (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
- (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
- (c) Deliveries should only be received within the hours detailed in (a) above;
- (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsters and wheel washes;
- (e) There should be no burning on site;
- (f) Only minimal security lighting should be used outside the hours stated above; and
- (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit. In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme - www.ccscheme.org.uk/index.php/site-registration of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit. In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme - www.ccscheme.org.uk/index.php/site-registration Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit. In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme - www.ccscheme.org.uk/index.php/site-registration

8. The applicant is advised that the essential requirements for an acceptable communication plan forming part of a Method of Construction Statement are viewed as:

- (a) How those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme;
- (b) How neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them;
- (c) The arrangements that will be in place to ensure a reasonable telephone response during working hours;
- (d) The name and contact details of the site manager who will be able to deal with complaints; and
- (e) How those who are interested in or affected will be routinely advised regarding the progress of the work. Registration and operation of the site to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements.