

# Planning Committee

## 21 September 2022



<b>Application No.</b>	22/00915/HOU
<b>Site Address</b>	18 Bush Road Shepperton TW17 0HX
<b>Applicant</b>	Mr And Mrs Rogers
<b>Proposal</b>	Erection of a side extension with a habitable space within the loft including the installation of a rear facing dormer, rooflights to the front and rear. Erection of a single storey rear extension and front porch (following demolition of existing single storey side extension). The installation of a rear facing Juliet Balcony and alterations to the existing fenestrations.
<b>Case Officer</b>	Vanya Popova
<b>Ward</b>	Laleham and Shepperton Green
<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: 01.07.2022	Expiry: 26.08.2022	Target: Extension of time agreed to 28.09.2022
<b>Executive Summary</b>	<p>This application relates to 18 Bush Road in Shepperton which is a semi-detached chalet style dwellinghouse which is located within a residential area with a mix of chalet style and two storey semi-detached properties. A number of properties have previously been extended and altered.</p> <p>The proposal is for various extensions to the existing dwelling. It is considered that the application, which has been revised since the original submission, would have an acceptable impact upon the character of the area and when viewed from the street scene. It is further considered that the proposal would have an acceptable impact on the residential amenity of adjoining properties in terms of privacy, daylight or sunlight and would not be overbearing effect due to bulk and proximity or outlook. The proposal would also be acceptable in terms of flooding and parking provision.</p>		
<b>Recommended Decision</b>	Approve the application subject to conditions as set out at paragraph 8 of this 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:
- Policy EN1 (Design of new development)
  - Policy LO1 (Flooding)
- 1.2 It is also considered that the following Supplementary Planning Document (SPD) is relevant:
- Design of Residential Extensions and New Residential Development Supplementary Planning Document (Design SPD) 2011
- 1.3 On 19 May 2022, Council agreed that the draft Local Plan be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The public consultation for the Pre-Submission Publication version of the Local Plan will run from 15 June 2022 to 19 September 2022.
- 1.4 The following policy of the draft Spelthorne Local Plan 2022-2037 is of relevance:
- Policy DS1: Place shaping
  - Policy E2: Managing Flood Risk
- 1.5 At the current time, the draft Local Plan has been agreed by Council and the Pre-Submission Publication Version of the Local Plan to be published for public consultation under Regulation 19 consultation has not yet commenced. Therefore, the policy carries very limited weight in the decision-making process of this current planning application.
- 1.6 National Planning Policy Framework (NPPF) 2021

### 2. Relevant Planning History

- 2.1 There is no relevant planning history.

### 3. Description of Current Proposal

- 3.1 The application site relates to a semi-detached chalet style property, situated on a wide plot on the western side of Bush Road in Shepperton. The site and its adjoining property are both located within a short curve section of Bush Road and as such they are positioned on a prominent location due to their corner nature. The dwelling has a single storey side extension and semi-detached single storey garage which is accessed on the southern side of the road (adjacent to the garage of no 16 Bush Road). The rear garden of the site

backs onto these garages, whereas the front curtilage is open with low-lying landscaping.

- 3.2 The street scene surrounding the site is residential in character containing either two storey or chalet-style semi-detached properties some of which have been previously extended, including two storey, single storey developments and roof alterations. The area is relatively spacious in terms of plot layout and there is not a regular building pattern. There is a degree of different designs in terms of materials used and detailing.
- 3.3 In terms of planning constraints, the whole site is within the 1 in 1000 year flood zone (Flood Zone 2).
- 3.4 The applicant seeks permission for the erection of a side extension (with a habitable space within the loft). It would have a width of 4.84 metres and a length which measures 5.84 metres. The proposed single storey rear extension would have an amended depth of 3.60 metres from the rear wall of the original house extending across the rear of the dwelling by 12.8 metres. The plans have been amended so that the proposed side extension would set back by 1 metre from the front elevation and would have a maximum height of 6 metres. The scheme also proposes the installation of two no. rooflights within the front roof slope and a flat roofed rear facing dormer to serve a bathroom, including the installation of a rear facing 'Juliet' Balcony within the existing rear dormer. The proposed plans also indicate the erection of a single storey front extension that would form a front porch with dimensions 0.90 metres by 2.47 metres. The application form and the plans indicate that the materials would match those of the existing dwellinghouse.

#### 4. Consultations

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

Consultee	Comment
Environmental Health (Contaminated land)	No objections, recommends informatives.

#### 5. Public Consultation

- 5.1 The Council has received a letter of representation by an adjoining property raising over-looking and loss of privacy concerns regarding the scheme (in particularly the proposed new rear facing dormer).

#### 6. Planning Issues

- Design and appearance/character of the area
- Impact on neighbouring properties
- Parking provision
- Flooding

- 6.1 Due to changes to the single storey rear extension's depth (from 3.04 metres to 3.6 metres) the neighbouring properties were re-consulted on the amended plans.

## **7. Planning Considerations**

### Character of the area

- 7.1 The National Planning Policy Framework (NPPF, 2021) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental and that new developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping along taking opportunities to improve the quality of an area and the way it functions.
- 7.2 Policy EN1 of the Core Strategy and Policies DPD 2009 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.
- 7.3 According to the Council's Design SPD, front and side extensions in particular should respect the character of the host building and moreover they should be in proportion with the host building. The SPD also states that side extensions should appear subordinate to host buildings of two or more floors of accommodation. This can be achieved by an appropriate 'set back' from the front elevation to avoid unbalanced appearance. In addition, the same document states side extension should avoid creating a terracing effect, particularly where visual gaps in between buildings a feature of a locality and should be 'set in' a minimum of 1 metre from the closest boundary.
- 7.4 As already noted, Bush Road contains two storeys and chalet style properties which are only semi-detached in form and vary in styles and detailing including the use of materials. The chalet style buildings contain flat roofed dormers located in the middle of the front elevations. Some rear facing dormers are visible from adjoining roads. The two storeys have a character with gable end elements and cross gabled pitched roofs extending to the side, whereas the chalet style buildings contain gable roofs with low profile eaves. As previously mentioned, some properties within the area have been extended; roof extensions and alterations vary in design and size. As such, the principle of single storey and two storey developments as well as dormers are not out of character within the locality.
- 7.5 The revised side extension would set back 1 metre from the front elevation, which allows the subject extension to be subordinate to the house's main ridge (by 0.5 metres). The proposed plans indicate the side extension would be 'set-in' from the nearest flank boundary (north) between approximately 3.2 metres and 7.5 metres. This element would comply with the Council's Design SPD guidance in terms of 'set-in' and 'set-back' distance requirements. There are no adjacent properties on the same building line to the north as the application boundary is adjacent to the highway. The design of the roof is proposed to be gable which would be a similar roof orientation and similar eaves level as the host building. In addition, the proposed width of the side

extension would be in proportion to the host building (not exceeding two thirds of the width of the host building as stipulated in the Council's Design SPD). Due to its angled corner plot, the proposed side extension would protrude further forward by approximately 1.5 metres from the front elevations of the adjacent dwellings to the west but this would be at the front corner of the extension on the eastern side. Given the building line is not uniform and its curved nature, it is however not considered that a refusal could not be justified on this element.

- 7.6 The revised single storey rear extension would 3.60 metres in depth and would respect the Council's 4 metres depth recommendation stipulates within the Council's SPD guidance. Whilst it has been noted that it would incorporate a flat roof and be visible from the street scene, it is however not considered that a refusal could be justified on design grounds. There are examples of other single storey extensions and outbuildings with flat roofs within the proximity that are also visible from the road.
- 7.7 The Council's design guidance for dormers states well designed dormers should:
- a) Be located centrally or symmetrically on a roof;
  - b) Be set-in a minimum of 1m from the roof edge, down 0.5m from the ridge and up 1m from the eaves;
  - c) Incorporate a roof which is compatible with the main roof and
  - d) Not be over dominant or out of proportion.
- 7.8 Whilst it has been noted that the proposed rear dormer would not be located centrally (when looking in relation with the side extension), the rear dormer would be set down and set up from the eaves together with being in similar size as the existing dormer at the rear. There are examples of flat roofed dormers visible from the road and as such it is considered to have an acceptable impact on the character of the area.
- 7.9 Whilst it is noted that the proposed single storey front extension would extend 0.9 metres beyond the front elevation of the house. The proposed porch would incorporate a pitched roof which considered that the impact would be acceptable and would not detract from the street scene.
- 7.10 The materials for the proposed development are shown to match that of the existing and the two roof lights at the front are considered to be acceptable.
- 7.11 It is considered that the proposed design and appearance would be in keeping with the character of the surrounding area and complies with the requirements of Policy EN1 (a) and the Design SPD.

#### Amenity of neighbouring properties

- 7.12 Policy EN1 (b) of the Core Strategy and Policies (CS & P DPD) states that proposals 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 or outlook. It is relevant to note that the Council's Design SPD recognises that

most developments will have some impact on neighbours. However, it has to be demonstrated that the amenity of adjoining neighbours is not significantly harmed.

- 7.13 As already noted, the proposed single storey rear extension would respect the Council's 4 metres depth recommendation for semi-detached properties (proposed 3.6 metres). Furthermore, the neighbouring semi-detached property contains a single storey rear extension and as such it is considered that the amenity relationship would be acceptable in regards to this element.
- 7.14 Whilst it has been noted that the existing dormer would have a Juliet Balcony, this element is part of the permitted development legislation (as long as there is no external access or platform, which there is not). The back to side distance from the proposed additional new dormer window of the proposal with the side elevation of no. 16 Bush Road would be 14 metres (which exceeds the Council's minimum back to side separation distance of 13.5 metres for two storey development). The application property has existing first floor windows at the rear. It is considered that the proposal would have an acceptable impact on number 16 and complies with the Council's Design SPD.
- 7.15 It is considered that the proposal does not overlook, overbear, cause a loss of sunlight or daylight or outlook and therefore respects the amenities of the adjoining neighbouring properties.

#### Parking provision

- 7.16 The site contains a garage to west of site with a long access leading onto the road providing off street parking. it is considered that the proposed scheme would have an acceptable impact on the parking provision.

#### Flooding

- 7.17 The application site is located within the 1 in 1000 year flood event area where, in flooding terms, extensions would be accepted. The application would be in accordance with policy LO1.

#### Conclusion

- 7.18 Overall, it is considered that the proposed development respects the character of the area and the amenities of the neighbouring properties.
- 7.19 The proposal is considered acceptable in accordance with Policy EN1.

#### Equality Act 2010

- 7.20 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.

#### Human Rights Act 1998

- 7.21 This planning This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.22 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.
- 7.23 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.
- 7.24 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/ 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.

## **8. Recommendation**

### **8.1 To GRANT planning permission 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 extensions 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: 1732-1 rev A Received on 10.08.2022.

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

4. 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.

5. 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:**

1. In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraphs 38-41 of the NPPF. This includes the following -
  - a. Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development
  - b. Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered
  - c. Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.
2. The applicant 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 containing materials 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 containing materials, which outlines good practice, how to prepare and what equipment is needed, how to remove it and how to deal with the waste once removed. 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>.
3. This property is located on the former Roseacre Nurseries. The applicant is advised that the site to which this planning permission relates is located on or near land that may contain harmful substances. Under Part C of the Building Regulations you will be required to consider this when designing the foundations of the development.

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

4. This development is situated within 220 metres from the former Littleton Lane landfill and the former Pool End Lake landfill. A gas impermeable

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

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