

Planning Committee

23 August 2023



Application No.	23/00799/HOU
Site Address	41 Windsor Road, Sunbury TW16 7QY
Applicant	Ms Aleksandra Alla Blavatnik
Proposal	Erection of single storey side and rear extension.
Case Officer	Susanna Angell
Ward	Sunbury Common
Called-in	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.

Application Dates	Valid: 27.06.2023	Expiry: 22.08.2023	Target: Extension of time agreed to 25.08.2023
Executive Summary	This application relates to 41 Windsor Road in Sunbury which is a two-storey end of terrace dwellinghouse. This application is for the erection of a single storey side and rear extension. The property has an existing side extension which is to be demolished. The proposal is considered to be acceptable in terms of its impact on the character of the area and impact on the amenity of neighbouring properties.		
Recommended Decision	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)

- 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 (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 ran from 15 June 2022 to 19 September 2022 and the local plan was submitted to the Planning Inspectorate under Regulation 19 on 25 November 2022. An Examination into the Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved the following: Spelthorne Borough Council formally requests the Planning Inspector to pause the Examination Hearings into the Local Plan for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the Local Plan and after the three month pause the Council will decide what actions may be necessary before the Local Plan examination may proceed. At the meeting of the Council on 19 July 2023, it was agreed that Catriona Riddell & Associates be appointed to provide 'critical friend' support to inform the options for taking the plan process forward. A final report setting out the conclusions from the critical friend review is scheduled to be considered by Council on 14 September 2023.

- 1.4 The following policy of the draft Spelthorne Local Plan 2022-2037 is of relevance:

- Policy DS1: Place shaping

- 1.5 At The NPPF policy states at para 48 that:

Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 1.6 Section 38(6) the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan (unless material considerations indicate otherwise) and not in accordance with an emerging plan, although emerging policies may be a material consideration. At this stage, the policies in the Pre-Submission Spelthorne Local Plan carry limited weight in the decision-making process. The adopted policies in the 2009 Core Strategy and Policies DPD carry substantial weight in the determination of this planning application.

2. Relevant Planning History

- 2.1 The site has the following planning history:

19/01699/HOU	Erection of single storey side and rear extension	Grant Conditional 04.03.2020
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3. Description of Current Proposal

- 3.1 This application relates to 41 Windsor Road, Sunbury which is a 3 storey end of terrace dwelling located on the northern side of Windsor Road. The dwelling is a town house designed with a flat roof. The properties immediately to the east and west of the site are also 3 storey terraced dwellings. To the south of the site are two storey dwellings.
- 3.2 It is proposed to erect a single storey side and rear extension. The extension would wrap around the north/western corner of the property. The single storey rear extension would measure a maximum of 3.5 metres in depth and 2.9 metres in height. The side element would measure 2.3 metres in width and 12.9 metres in length along its western elevation.
- 3.3 It is relevant to note that in 2020 the Council approved an application for a single storey side and rear extension (19/01699/HOU). This permission has expired and so cannot be implemented but is accorded significant weight. The main differences between this permission and the current proposal are that the proposed single storey rear extension would now extend up to the side boundary with the adjoining property (when previously it was set back 1 metre). It would also extend an additional 0.5 metres in depth and would project 0.4 metres further forward.

4. Consultations

- 4.1 Environmental Health – no comments.

5. Public Consultation

- 5.1 No letters of representation have been received.

6. Planning Issues

- 6.1 The main planning considerations for the application are the impact of the proposed development on the character of the area and the impact on the amenity of neighbouring properties.

7. Planning Considerations

Character of the area

- 7.1 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.
- 7.2 The previously approved scheme measured 11.5m along its western elevation and 3 metres in depth from the original rear building line. The current scheme measures 12.4 metres along its western elevation and 3.5 metres in depth from the rear building line. The front elevation would now incorporate a window matching the existing fenestration. The plans show the proposed materials would match the existing dwelling.
- 7.3 The Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential development (2011) recommends that a single storey side extension should appear subordinate to the main dwelling house via a set back of 0.3 metres from the frontage of the property.
- 7.4 The plans show the side extension would not incorporate a set back. However, it would extend no further forward than the front building line of the existing dwelling. The application property is also setback 14.1m from the street scene. It is therefore not considered that the lack of set back would result in the side extension appearing prominent or significantly out of character.
- 7.5 The Council's Design of Residential Extensions and New Residential Development Supplementary Planning Document April 2011 (SPD) states that roofs over single storey side extensions should have a full pitch.
- 7.6 The side extension would have a flat roof. However, this would reflect the design of the host dwelling and is therefore considered to be acceptable. The rear section would be flat roofed, but this would also reflect the design of the host dwelling and is also considered acceptable in appearance in accordance with policy EN1.

Amenity of neighbouring properties

- 7.7 With regards to the impact on the amenity of neighbouring properties, Policy EN1 states that proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity of outlook.
- 7.8 The application property is sited much deeper in its plot, in comparison with the neighbouring property to the west (no.39). The property has an existing single storey side extension located along its western elevation, which is to be demolished. The proposed new extension would be flat roofed and taller, standing 2.9 metres in overall height. It would extend 12.4 metres along the western boundary.
- 7.9 It is relevant to note that the Council has previously approved a single storey side extension and rear extension with a length of 11.5 metres. The proposed extension would be 0.5m deeper at the rear. However, no.39 is set back 2 metres from the boundary with the application property. Its closest window to the boundary serves a bathroom, while the living room is located at first floor. Overall, taking into consideration the previous decision, and the height and location of the extension, and the fact that it has replaced an existing extension (albeit smaller in size) it is not considered that the proposal would result in significant loss of light or overbearing impact. In addition, no objections have been received from the occupants of this property.
- 7.10 No windows are proposed in the western elevation of the extension and therefore no loss of privacy would occur.
- 7.11 The adjoining terrace (no.43) has not been extended to the rear. The proposed extension would extend 3.5 metres in depth adjacent to the boundary with this property. The Council's Design SPD states that single storey rear extensions of up to 3 metres on terraced properties are usually acceptable subject to appropriate design and use of materials.
- 7.12 The applicant has reduced the depth of the proposed extension from 4 metres to 3.5m in depth which would exceed this guidance by 0.5m. However, its height (at 3 metres) would comply with the guidance in the SPD. No objections have been received from the occupants of this property. Overall, it is not considered that objection could be sustained on the basis of the impact of the additional depth. The relationship is therefore considered to be acceptable.

Financial considerations

- 7.13 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 not CIL liable. Financial considerations are not a material planning consideration in the determination of this proposal.

Conclusion

7.14 Overall, it is considered that the proposed development respects the character of the area, the amenities of the neighbouring properties and no objections to the works have been received.

7.15 The proposal is considered acceptable in accordance with Policy EN1.

Equality Act 2010

7.16 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

7.17 This planning This planning application has been considered against the provisions of the Human Rights Act 1998.

7.18 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.

7.19 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.

7.20 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 plans: Location plan, Block plan Existing plans received 27.06.2023. Amended plans 201 Revision received 31.07.2023.

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

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

Reason: To safeguard the amenity of neighbouring properties.

Informatives:

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.