

Planning Committee

15 November 2023



Application No.	23/01212/HOU
Site Address	83 Holywell Way, Stanwell, TW19 7SG
Applicant	Councillor Med Buck
Proposal	Erection of a single storey rear extension to the rear of the property
Case Officer	Emily Archibald
Ward	Ashford North And Stanwell South
Called-in	The applicant is a Ward Councillor for Spelthorne Borough Council. Therefore, in accordance with the Planning Code (paragraph 40) this application is being presented to Committee for a decision.

Application Dates	Valid: 27.09.2023	Expiry: 22.11.2023	Target:
Executive Summary	The application relates to 83 Holywell Way in Stanwell, a two-storey semi-detached dwelling house situated on the Southern side of the road. The application is for the erection of a single storey extension to the rear of the property, measuring 4m in depth. The property has not previously been extended. The proposal is considered acceptable in terms of both its impact on character of the area and impact on amenity of neighbouring properties.		
Recommended Decision	Approve the application subject to conditions as set out in Paragraph 9 of the Report.		

MAIN REPORT

1. Development Plan

- 1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:
 - EN1 Design of New Development
- 1.2 Also relevant is the following Supplementary Planning Document:
 - SPD on the Design of Residential Extensions and New Residential Development 2011
- 1.3 The National Planning Policy Framework (NPPF) 2023 is also relevant.
- 1.4 On 19 May 2022, the Council agreed that the draft Spelthorne Local Plan 2022 – 2037 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 ended on 21st September 2022 and the local plan was submitted to the Planning Inspectorate on 25th November 2022.
- 1.5 An examination into the emerging Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved to request 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. On 14 September 2023, the Council considered a report following the deferral in June. The report listed three options; to continue with the local plan to include further work (especially on design codes), to request a further pause or to withdraw the local plan. On the day of the meeting, a letter was received from the Housing Minister stating that the Housing Secretary, was directing the council "not to take any step to withdraw the plan from examination..." The Council resolved to extend the pause in the Examination timetable until the proposed changes to the NPPF have been published (expected in the Autumn) before determining the next steps and take immediate legal advice to confirm the validity of the minister's directive. On 22 September 2023, the Inspector agreed to a pause to the Local Plan and requested that the Council continues to address the issues that he identified in the first week of the hearings, in particular flood risk and its potential implications in relation to the site allocation and delivery strategy of the plan.
- 1.6 The following policies of the Pre-Submission Spelthorne Local Plan 2022 – 2037 are of relevance:

➤ PS2: Designing places and spaces

1.7 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).

1.8 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.

1.9 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:

08/00361/OUT	Outline planning application for the demolition of the existing dwellings and phased development of a total of 304 residential units comprising 89 dwellings (83 affordable), 171 flats (40 affordable), an extra care facility (44 affordable units), community centre, provision of associated car parking, access and landscaped public open space.	Grant Conditional 07.04.2011
14/02206/RMA	Erection of 46 dwellings to comprise affordable and private units together with associated access road, parking, landscaping and public open space, following demolition of existing dwellings (Reserved Matters Phase - 4 of Stanwell New Start - pursuant to outline planning permission 08/00361/OUT) (AMENDED PLANS). Discharge of conditions pursuant to 08/00361/OUT.	Grant Conditional 02.07.2015

3. Description of Current Proposal

- 3.1 This application relates to 83 Holywell Way in Stanwell, a two-storey semi-detached dwelling house situated on the southern side of the road. The property is characterised by its combined red brick and off-white rendered façade, and front facing dormer. The properties surrounding the application site follow a similar design pattern as they were built within the same estate as approved in 2008 under planning permission 08/00361/OUT. It is also worth noting that the property has not previously been extended. The properties immediately adjacent to the application site, have also not been extended. It is also relevant to note that the property has had Permitted Development rights removed.
- 3.2 The proposal is for the erection of a single storey rear extension measuring 4m in depth. The extension will have a mono-pitched roof with a height of 3.4m at its highest point, and an eaves height of 2.5m.

4. Consultations

- 4.1 There are no consultation responses.

5. Public Consultation

- 5.1 A total of 3 neighbouring properties were notified of the planning application. No letters of representation have been received.

6. Planning Issues

- 6.1 The main planning considerations for this application are as follows:
- Design and appearance
 - Impact on amenity of neighbouring properties

7. Planning Considerations

Design and appearance

- 7.1 Policy EN1 (a) 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 and land.
- 7.2 Further to this, the Council's Supplementary Planning Document (SPD) for the Design of Residential Extensions and New Residential Development (2011) recommends that single storey rear extensions of up to 4 metres in depth on semi-detached properties are usually acceptable, subject to appropriate design and materials. It also notes that the development should

pay regard to the character of the street, taking into consideration street proportions, building form, the existing building line and also design.

- 7.3 The proposed single storey rear extension would have a depth of 4m, which would meet the Council's SPD guidance for single storey rear extensions. The applicant has indicated on their application form that the external materials will match those used on the existing dwelling. Holywell Way is mostly characterised by a combination of new build dwellings and flats with a red brick or white rendered façade. A handful of these properties have been extended to the rear via a single storey rear extension, most of which have flat roofs, or conservatories. As such, the principle of a single storey development is not out of character with the locality.
- 7.4 It should be noted that the SPD does encourage pitched roofs on single storey rear extensions, particularly in cases where the extension may be considered visible. The applicant has proposed a mono-pitched roof, that reflects the slope of the host dwellings roof. The proposed extension will not be visible from Holywell Way; however, it will be visible from a point on Mulberry Avenue. The proposal would, however, be adjacent to high boundary treatment and would not be unduly prominent from the street scene. Further to this, there are other examples of development in neighbouring properties, such as outbuildings and conservatories, which are also slightly taller than the boundary treatment.
- 7.5 The proposed design and appearance are therefore considered acceptable and complies with Policy EN1 (a) of the Core Strategy and Policies DPD and the SPD.

Amenity of neighbouring properties

- 7.6 Policy EN1 (b) of the Core Strategy and Policies DPD 2009 states that development should achieve a satisfactory relationship to adjoining properties, particularly by avoiding significant harmful impact by way of loss of privacy, daylight or sunlight, or creating overbearing effect due to bulk, also proximity or outlook.
- 7.7 The Council's SPD recognises that most developments will have some impact on neighbours, and that the aim is to ensure that the amenity of adjoining occupiers is not adversely impacted. To address this, the SPD advises that careful attention is paid to ensure that the position, scale, and design of the extension does not directly create a loss of privacy, outlook, daylight and sunlight for adjoining properties.
- 7.8 As previously noted, the proposed single storey rear extension would comply with the Council's 4 metre depth recommendation for semi-detached properties. The SPD does, however, state that the height of single storey extensions should not normally exceed 3m. The proposed extension, at its highest point, exceeds the guidance by 0.4m, although the roof does slope down further away from the building and drops to below 3m at its shortest point. (2.5m) In this particular case, the roof would be considered acceptable.

- 7.9 It is therefore considered that the proposal does not create any significant adverse impact on neighbouring amenity and complies with Policy EN1. (b)

Equalities Act 2010

- 7.10 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard 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

- 7.11 This planning application has been considered against the provisions of the Human Rights Act 1998. 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. 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.
- 7.12 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.

8. Conclusion

- 8.1 The proposal respects the character of the area and the amenities of the neighbouring properties and is therefore acceptable in accordance with Policy EN1.

9. Recommendation

- 9.1 APPROVE 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 development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Views Drawing No 1 Existing, received 23/10/2023 and Proposed Site Views, received 01/11/2023.

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

3. The development 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.