

Planning Report

Application Number: 22/00017/RES

Application Site: 3 Ceres Crescent, Epsom, Surrey, KT17 1FF

Proposal: Retrospective application for the Variation of Condition 2 (Approved Plans) of planning permission 21/00629/FLH to increase the roof height of the approved single storey rear extension from 2.83m to 3m.

Planning History

Reference	Description	Decision	Date
21/00629/FLH	Single storey rear extension.	Granted	10.08.2021
21/01481/NMA	Non-material amendment of planning permission 21/00629/FLH dated 11.08.2021 (single storey rear extension) to allow increase in height of approved single storey rear extension from 2.835m to 3.0m.	Refused	30.12.2021

Comments from Third Parties

The Local Planning Authority consulted two nearby residents. No representations have been received to date.

Consultations

None

Relevant Planning Constraints

Built Up Area

Planning Policy

Key Policies

National Planning Policy Framework 2021

Core Strategy 2007

Policy CS1 – General Policy

Policy CS5 – The Built Environment

Development Management Policies Document (September 2015)

Policy DM9 – Townscape Character/Distinctiveness

Policy DM10 – Design for New Developments

Other Material Documents

Planning Practice Guidance (2021)

The Epsom and Ewell Borough Council Householder Applications SPG 2004

Site Description

A semi-detached two-storey dwelling located on the south-western side of Ceres Crescent and backing onto the A240, Reigate Road.

The application site is located within the Built-Up area of Epsom and the immediately surrounding area is primarily residential with properties of a traditional design displaying a homogenous palette of materials.

Proposal

This is a S73 application for the retrospective Variation of Condition 2 (Approved Plans) of planning permission 21/00629/FLH to increase the roof height of the approved single storey rear extension from 2.83m to 3m.

Planning Considerations

Section 73 provides for the 'determination of applications to develop land without compliance with conditions previously attached'. It only provides for the variation of conditions attached to an existing planning permission; it does not provide a means of varying the development permitted (other than through the imposition of new/varied conditions).

The principle of the development has already been established, as such, the main planning considerations in determining this application are:

- Impact on Character and Appearance
- Impact on Occupant/Neighbouring Amenity

Impact on Character and Appearance

1. The impact of the proposal on the character and appearance of the host dwelling and wider character of the area has been fully assessed under planning application 21/00629/FLH and found to be acceptable and policy compliant.
2. The current proposal involves raising the overall height of the approved single storey rear extension from 2.83m to 3m.
3. This is considered to be a relatively modest increase in height which would not change the overall appearance of the approved extension and would therefore not result in harm to the character of the host dwelling and the wider character of the area.

4. In light of the above, the proposal is considered to be acceptable and compliant with Policies CS1 and CS5 of the Core Strategy 2007, Policies DM9 and DM10 of the Development Management Policies Document 2015, the guidance set out in the Epsom and Ewell Borough Council Householder Applications SPG 2004 and the NPPF 2021.

Impact on Occupant/Neighbouring Amenity

5. The impact of the proposal on the amenities of the neighbouring properties has been fully assessed under planning application 21/00629/FLH and found to be acceptable and policy compliant.
6. Whilst the height of the approved extension would be increased by 17cms, it will still comply with the BRE 45-degree site line tests taken from the nearest rear habitable window at the immediately adjoining properties. As such it is not considered that the proposal would result in undue loss of light, overshadowing or overbearing impact.
7. In light of the above, the proposal is considered to comply with Policy DM10 of the Development Management Policies Document 2015, the Council's Household Applications SPG 2004 and the NPPF 2021.

Recommendation: Grant, subject to Planning Conditions

1. The development hereby permitted shall be commenced no later than 11.08.2024.

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

HM Land Registry Current Title Plan – received on 12.07.2021

Site Location Plan – received on 14.04.2021

Block Plan – received on 14.04.2021

Proposed Plans (1:100), Drawing No.LIVARCH/3CC/102 Issue A

Proposed Front and Rear Elevations (1:100), Drawing

No.LIVARCH/3CC/105 Issue A

Proposed Side Elevations (1:100), Drawing No.LIVARCH/3CC/106 Issue A

- all received on 14.01.2022

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

3. The materials and finishes of the external walls, roof and windows of the development hereby permitted shall match in colour and texture those of the existing building, unless otherwise specified on the application form and approved plans, or such other materials shall have been approved in writing by the Local Planning Authority, and thereafter shall be retained as such.

Reason: To ensure a satisfactory appearance on completion of the development in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM9 and DM10 of the Development Management Policies Document 2015.

4. The roof of the extension hereby permitted shall not be covered or used as a balcony or sitting area, and no access shall be gained except for maintenance purposes.

Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 of the Development Management Plan 2015.

Informatives

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
2. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts.

A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

3. You have been granted planning permission to build a residential extension. When undertaking building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

4. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
 - carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

5. No part of the development including foundations or guttering, shall encroach upon the adjoining property.

DN 30/03/2022