

MERCER PLANNING

Town Planning & Property Development Consultants

PLANNING STATEMENT

Site: 8 Broom Lane, Chobham, Woking, GU24 8RQ.

Proposal: Demolition of existing single storey rear conservatory, rear store and front porch and erection of single storey rear extension, front porch and roof alterations above existing garage.

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1. Introduction

This Planning Statement has been prepared by 'Mercer Planning Ltd' to support an application for full planning permission for the 'Demolition of existing single storey rear conservatory, rear store and front porch and erection of single storey rear extension, front porch and roof alterations above existing garage' at 8 Broom Lane, Chobham, Woking, GU24 8RQ.

2. The Application Site and its Surroundings

The application site comprises a detached bungalow located to the :
It is located within the settlement area of Chobham, which is treated as washed over Green Belt.

The application site comprises a detached single storey dwelling with front porch and single storey extensions to the rear and an attached double garage. The dwelling has a pitched roof and is finished in roof tiles and brickwork

Immediately to the west of the site is a public footpath that runs the length of the western side boundary of the plot connecting Broom Lane with Red Lion Lane to the south. The surroundings are residential with a mixture of styles and designs of properties in the locality, with fencing, and hedging marking plot boundaries interspersed with mature trees.

The site lies within the 'washed over' settlement area of Chobham. The property is not a listed building and is not located within a conservation area.

3. The Proposal

Planning permission is sought for the demolition of the existing single storey rear conservatory, rear store and front porch and the erection of a single storey rear extension, front porch and roof alterations above existing garage.

Details of the proposal can be seen on the drawings submitted with the application.

4. Relevant Planning History

There is extensive planning history on the property, the most relevant to this proposal are:

23/0759/GPE: Prior approval for a larger home extension with rooflight (Schedule 2, Part 1, Class A) with a maximum depth of 6.5 metres, a maximum height of 4 metres at eaves height of 2.55 metres, following the demolition of existing rear conservatory and rear store. Prior approval not required 21/08/23.

22/0572/FFU: Demolition of rear conservatory and front porch. Erection of a single storey rear extension, alterations to roof, part garage conversion and a porch. Application withdrawn 22/09/22 following an email from Senior Planning Officer Melissa Turney dated 19/08/22 which stated the following:

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"Following on from the site visit, the application site is located within a designated Green Belt. National Government planning policy in the form of the National Planning Policy Framework (NPPF) states that extensions to buildings within a Green Belt location would be 'inappropriate' unless 'it does not result in disproportionate additions over and above the size of the original building'. Paragraph 147 of the NPPF further emphasises the importance of restrictions on development located on Green Belt land and states that 'inappropriate development is, by definition, harmful to the Green Belt'.

A history review of the site has found the existing dwelling has already been significantly extended. While the proposal would have a slightly larger footprint, it would further increase the volume of dwelling due to the increase height over the garage and the design of the rear extensions. As a result, in combination with the previous extensions the resulting dwelling would be considered disproportionate additions over and above the size of the original building. As such the proposal is considered inappropriate development and is contrary to NPPF.

5. Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The application must, therefore, be considered within the context of the Statutory Development Plan for Surrey Heath, which comprises:

National Planning Policy Framework (2021); and
Surrey Heath Core Strategy and Development Management Policies (2012)

The above documents are, therefore, material considerations in the determination of this application.

The National Planning Policy Framework (2021)

Section 12 Achieving well designed places
Section 13 Protecting green belt land

Surrey Heath Core Strategy & Development Management Policies (2012)

DM9: Design Principles
DM11: Traffic Management and Highway Safety

Residential Design Guide (RDG) SPD 2017

6. Planning Considerations

The main issues to be considered in this application are:

Principle of development;
Impact on character and appearance of the surrounding area;
Impact on residential amenity; and
Highway & parking issues.

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6.1 The Principle of Development

The application site is located within the settlement area of Choloverby Green where development is acceptable in principle.

The Officers delegated report for Planning Approval Ref 23/0759/GPE states:

'The application site comprises a detached bungalow located on Broom Lane. It is located within the settlement area of Chobham which is treated as washed over Green Belt.'

Planning applications for extensions to dwellings at Nos.6a and 10 Broom Lane immediately adjacent to the application site, were determined to lie within the settlement boundary of Chobham. The Officers delegated reports state:

20/1136/FFU 6A Broom Lane

The site lies in the 'washed over' settlement area of Chobham where development is acceptable in principle.

21/0557/FFU 10 Broom Lane

10 Broom Lane is a detached chalet bungalow located in a residential area within the settlement of Chobham which is washed over by Green Belt. The site lies in the 'washed over' settlement where development is acceptable in principle.

In view of the above we consider the proposed development is acceptable in principle.

Planning application ref: 22/0572/FFU was withdrawn by the Applicant as the officer dealing with the application advised that the property is located within the green belt and as such green belt planning policy applies. The property has been previously extended and the officer stated any further extension to the dwelling would be inappropriate development within the green belt location. In view of this advice from the Council the Applicant contends that if the proposed development is inappropriate development within the green belt, the following applies.

Para 137 of the NPPF sets out that *'the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence'* Para 134 of the NPPF sets out the five purposes of Green Belt.

Paras. 147 - 149 of the NPPF state that:

'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, or any other harm resulting from the proposal, is clearly outweighed by other considerations. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

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c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.'

The original dwelling has been extended. The Applicant accepts that further extension, as proposed, amounts to disproportionate additions over and above the size of the original building and the proposal comprises inappropriate development within the green belt which should not be permitted unless very special circumstances exist which outweigh the proposals harm by reason of inappropriateness and any other harm (NPPF).

The Applicant contends, that '*very special circumstances*' and other considerations exist in this case, which in our judgment, outweigh any potential harm to the green belt by reason of inappropriateness. These are examined in detail below.

i) Impact on Openness of the Green Belt

There is no definition of openness within the NPPF, in the Green Belt context is generally held to be the absence of development / buildings.

The site lies in an established residential area and is surrounded by detached dwellings. The site is not therefore isolated in the Green Belt and it is against this context that impact on openness falls to be assessed.

The figures below provide a comparison of the volumes of the existing and as proposed extended dwelling. The figures also include the volume of the approved prior approval scheme for the single storey rear extension. The proposed front porch also falls within permitted development rights and it is the Applicants intention to implement these as a fall back position if this application fails.

Volume of existing dwelling = 455.57m³

Volume of prior approval scheme & front porch = 545.54m³

Volume of current proposal = 533.78m³

The current proposal also involves the removal of the existing store to the rear of the garage.

The figures demonstrate that the proposed works are smaller in size, footprint, scale, bulk and massing than the works approved within the prior approval scheme. The current proposal also includes the removal of the store to the rear of the garage. The proposed scheme would thus be beneficial to openness.

The proposed works to the property would result in a dwelling of a high quality finish that would complement the setting amongst which it is located. The proposal integrates favourably with the properties adjacent to it. The design integrity and detail of the proposal would therefore have a positive effect on the visual amenities and character and appearance of the area.

The Council stated that any further additions to the property constitutes inappropriate development however the Applicant contends that the proposal would have only limited impact, if any, on the openness of the Green Belt. The acceptability of the proposal thus rests with whether there are very special circumstances that outweigh the proposals harm by reason on inappropriateness and any other harm.

ii) Other Considerations

Further to the above it is open to the Applicant to build out the prior approval scheme for a single storey rear extension. The front porch extension proposed also falls within the remit of permitted development. Implementing the prior approval extension and front porch is a realistic fall-back position for the Applicant as it would create the required additional floor space and enable the internal arrangement of the property to be reconfigured.

The issue of fall back has been considered extensively and the judgments of the Court and findings of appeal Inspectors carry substantial weight. In *Zurich Assurance Ltd (t/a Threadneedle Property Investments) R v North Lincolnshire Council & Anor 2012* deals with the issue of 'fall back' and in his judgement, the Judge stated in paragraph 75;

"The prospect of the fall back position does not have to be a probability; it has to be only more than a merely theoretical prospect.

Where the possibility of the fall back position happening is "very slight indeed" or merely "an outside chance", that is sufficient to make the position a material consideration."

The issue of a fall back position comprising a material consideration has been more recently considered in a number of judgements, including *Mansell v Tonbridge and Malling BC (2017) EWCA Civ 1314* wherein, again, the relevance and materiality of a 'fall back position' was given substantial weight.

In this case, there is every prospect that these extensions would be implemented in full if permission for the current proposal is not secured.

The approved prior approval extension is larger and not as well designed as the current proposal. The rear store rooms currently proposed for removal, would also be retained in this proposal. The Applicant thus contends that the proposed extensions that could be built under permitted development and prior approval would be far more harmful to the open character of the green belt than the current proposal.

Accordingly, the works to the dwelling approved under the prior approval scheme should be given the full weight of a legitimate and highly probable fall back position. A comparison of the proposal against the fall back scheme is therefore appropriate and can be seen in the figures above.

In view of the above should the Council consider the proposal is inappropriate development the Applicant's case is that any harm arising would be very limited and would be less than that caused by the fall back position which will materialise if this application fails. As such the Applicant contends that taken as a whole and given the

weight that can be attached to the fall back position with its associated impact c Green Belt, it is concluded that these matters clearly outweigh the harm by reason of inappropriateness and amount to very special circumstances that justify the proposal. The basic principles of this case are supported by Court judgments and the findings of appeal inspectors.

In view of the above the Applicant considers the proposal represents acceptable development within this green belt location that is acceptable in principle.

6.2 Design Considerations and Impact on Character

The NPPF requires proposals for new development to be of a high standard of design that take the opportunities available for improving the character and quality of an area in the way it functions.

Policy DM9 of the Surrey Heath Core Strategy and Development Management Policy Document (CSDMP) 2012 promotes high quality design. Development should respect and enhance the character of the local environment and be appropriate in scale, massing, bulk and density.

The proposed extensions are designed to integrate with the host dwelling in terms of size, scale, height, fenestration detailing and material finish. The proposed single storey rear extension is not visible from the public realm and would have no impact on the character and appearance of the street scene. The proposed front entrance porch and alteration to the roof of the garage would visually enhance the appearance of the dwelling which would improve the visual amenities of the site which would be of benefit to the character and appearance of the street scene.

In view of the above the proposal would not materially harm the character and appearance of the host dwelling or the character and appearance of the street scene. Accordingly, the proposal complies with the Council's adopted policies in this regard.

6.3 Impact on Residential Amenity

The NPPF requires that planning policies seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy

DM9 CSDMP 2012 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing unneighbourly built form.

The importance of appropriate design, so as not to result in a material detriment to the occupiers of neighbouring properties, is set out in principles 8.1 and 8.3 of the RDG. Principles 7.6, 8.2 and 8.4 of the RDG secure the amenities of future occupiers of the site.

The property is situated within a large plot adjacent to a footpath and

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considerable separation distance to the adjacent properties on Broom Lane and those to the rear on Red Lion Road. The proposed extensions would not result in a loss of light, overbearing or overshadowing impact, nor would they result in a loss of privacy or outlook to the immediate neighbours.

In view of the above, the proposal would not cause material harm to the amenities currently enjoyed by the occupiers of the adjacent properties and the wider area and the proposal complies with the Councils adopted policies in this regard.

6.4 Highway & Parking Issues

Policy DM11 (Traffic Management and Highway Safety) states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce and mitigate such impacts to acceptable levels can be implemented.

The property benefits from a double garage and off street parking to the front garage. The existing parking and access arrangement to the property would not be affected by the proposal.

As such the proposal would not have an adverse impact on parking and highway conditions locally and complies with the Councils policies in this regard.

7. Conclusion

For the reasons detailed above, we contend the proposal is an appropriate form of development within the settlement area of Chobham that is acceptable in principle. The proposed development is of a high standard of design and would not be harmful to the character and appearance of the green belt location or area generally. The proposal is well designed and integrates well with the host dwelling, improving its overall appearance, respects the overall characteristics of the area, occupiers and would not be harmful to the amenities currently enjoyed by the occupiers of the surrounding properties. The proposal would not result in any adverse highway impacts.

Accordingly the proposal complies with the relevant policies of the adopted Surrey Heath Local Plan and the NPPF (2021). The Applicant therefore requests that planning permission is granted subject to any conditions deemed reasonable and necessary.

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