

PLANNING AND FLOOD RISK STATEMENT

**Kilrush, Philpot Lane,
Chobham, Woking, Surrey
GU24 8AP**

Prepared For
Alberto and Sarah de Vivo

**3508
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bell cornwell

CHARTERED TOWN PLANNERS

Bell Cornwell LLP, Unit 2, Meridian Office Park, Osborn Way,
Hook, Hampshire RG27 9HY



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1 INTRODUCTION

1.1 This planning statement is prepared in support of a householder planning application, which seeks permission for an extension to an existing dwelling. 'Kilrush' is located on the eastern side of Philpot Lane, just under 300m from its junction with the A3046 Chobham Road (at post code GU24 8AP ("the Site").

THE SITE AND ITS SURROUNDINGS

1.2 The eastern side of Philpot Lane, in this area, features ribbon development of individual detached dwellings, set back from the road and with large landscaped gardens. Figure 1 below shows the Site Location Plan (Drawing Reference 2209/ST.01) and Figure 2, the existing east elevation as seen from the road.

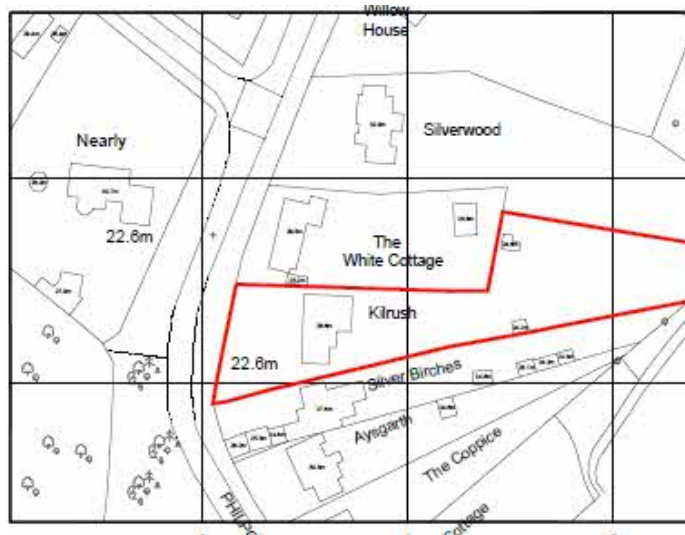


Figure 1 Site Location



Figure 2 Existing Dwelling



- 1.3 The surrounding area is characterised by large dwellings set in large mature plot; the character of the Site itself is consistent with this.

PLANNING HISTORY

- 1.4 Relevant planning history of this Site is summarised below:

BGR4910 - Erection of extensions and alterations (Approved January 1965).

BGR6688 – Demolition of existing garage and erection of replacement double garage. (Granted September 1969).

BGR9122 – Demolition of existing greenhouse and erection of replacement greenhouse. (Granted January 1970)

2008/0725 - Erection of a two storey side extension, front porch and single storey rear extension with balcony above, following demolition of existing attached double garage, attached shed to rear, two storey rear extension and porch. (Additional plans rec'd 11/9/08) (Granted 18 September 2008)

2008/0726 - Certificate of Lawful Use or Development – the erection of a shed to the rear of the property. (Granted 16 September 2008).

2008/0788 - Erection of a two storey side extension, single storey front extension, single storey rear extension with rear balcony above, and conversion of existing workshop into habitable accommodation. Following the demolition of existing attached double garage attached shed to rear and two storey rear extension. (Additional plans rec'd 11/09/08). (Granted 18 September 2008)

11/0816 - Erection of a carport. Refused 14 February 2012 due to impact on the Green Belt

13/0016 – Erection of a carport. Refused 8 March 2013 due to impact on the Green Belt.

14/0061 - Permitted Development - Prior Notification for the erection of a single storey rear extension to a depth of 5.3 metres and a maximum ridge height of 2.99 metres. (Decision issued 28 February 2014 confirming prior approval not required)

15/0042 – Certificate of Proposed Use or Development – erection of a rear extension. Granted 26 March 2015.

23/0467/CES – Certificate of Proposed Lawful Use or Development – proposed ground floor side extension



THE PROPOSED DEVELOPMENT

- 1.5 It is proposed that the lawful ground floor side extension (23/0467/CES) remain unbuilt; Figure 3 below (left) shows this area highlighted in yellow. Instead, it is proposed to deliver additional floorspace at first floor level, to provide an ensuite and wardrobe area to the bedroom. (Figure 3, right).



Figure 3 Left: Extract of Elevations and Floorplans on application 23/0467/CES, showing single storey side extension to remain unbuilt; Right: Extract of Proposed First Floor Plan and Elevations for this Proposal, highlighted to show relevant areas of built form.

- 1.6 The floorspace of the proposal is 11.5m², which is equivalent of the 11.5m² extension covered by the recent certificate of lawfulness.



2 PLANNING POLICY CONTEXT AND MATERIAL CONSIDERATIONS

- 2.1 Section 70 of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

PLANNING POLICY CONTEXT

- 2.2 The relevant parts of the Development Plan, against which the Application is to be assessed, include:

Core Strategy and Development Management Policies 2011-2028 (adopted February 2012)

Saved Policies of the Surrey Heath Local Plan (2000) (no policies of relevance to this proposal)

- 2.3 The Site is in the area covered by the designated Chobham Neighbourhood Plan Area but no plan has been prepared to date.
- 2.4 The only planning policy designations of relevance, as shown on the Surrey Heath Borough Council Proposals Map (East Sheet) are that the Site is in the Green Belt, and is outside any Settlement Policy Boundary (and so, is in the countryside).

MATERIAL CONSIDERATIONS

- 2.5 Other material considerations include:

NPPF (2021): In particular the following paragraphs: 119, 120, 124, 126, 130, 137-138, 147, 148-149, 174 and 176.

Surrey Heath BC Supplementary Planning Documents (“SPDs”): Surrey Heaths Residential Design Guide SPD.

KEY ISSUES FOR DETERMINATION

Principle of Development in the Green Belt

- 2.6 The Site lies within the Green Belt. Policy DM4 of the Core Strategy sets out policy for extension of existing dwellings in the countryside beyond the Green Belt (but not those within). The Core Strategy was adopted prior to introduction of the new Green Belt tests in the NPPF. As such, we provide below an assessment of the NPPF Green Belt policy context.



2.7 Paragraph 137 of the NPPF confirms that the Government attaches great weight to Green Belt designation, and its essential characteristics are its 'openness' and 'permanence'. Paragraph 147 and 148 of the NPPF provide that permission will not be granted for "inappropriate development" in the Green Belt unless "very special circumstances" can be demonstrated, and that substantial weight is to be given to harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

2.8 Paragraph 149 states that construction of new buildings is "inappropriate development", subject to certain exceptions. Of relevance here is para 149(c) which provides that the following is not "inappropriate development" in the Green Belt:

"(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."

2.9 The term 'disproportionate' is not defined in the NPPF. The Core Strategy includes a similar test in regard to dwellings in the countryside beyond the Green Belt: Policy DM4(ii) states that extensions will be supported where it is not "disproportionate in size and scale, including its overall floorspace, bulk and height, when compared to the original dwelling." The explanatory text to that policy states that the assessment of whether an extension is 'disproportionate' will be based on siting, floorspace, bulk and height (para 6.27 of Core Strategy).

2.10 In considering a previous application (11/0816) the Council took the view that due to historic extensions at the property, it had reached a point where any further extension would be considered 'disproportionate' for Green Belt purposes:

"It is noted that the applicant's property has already been significantly extended historically including the demolition of a previous integral garage in 2008 to allow for a larger extension...The Delegated Report for application SU/08/0788 advises that the original dwelling which stood on this site has a gross floorspace 149.5 square metres. The last extension...is considered to be generous and was approved, on balance, resulting in a current dwellinghouse on site which is 51.9% over the original dwelling. Therefore any further extensions or outbuildings on this basis would by any reasonable assessment be considered to be disproportionate and by definition harmful to the openness of the Green Belt and as such would have an adverse visual impact on the open character of the Green Belt."



2.11 Since that time there has been a further permitted development extension to the rear of the dwelling as shown in (14/0061 - single storey rear extension to a depth of 5.3m and maximum ridge height of 2.99m and 15/0042 – erection of a rear extension). As such, it is reasonable to assume that any further net addition of floorspace would be ‘disproportionate’ with reference to the dwelling as originally constructed.

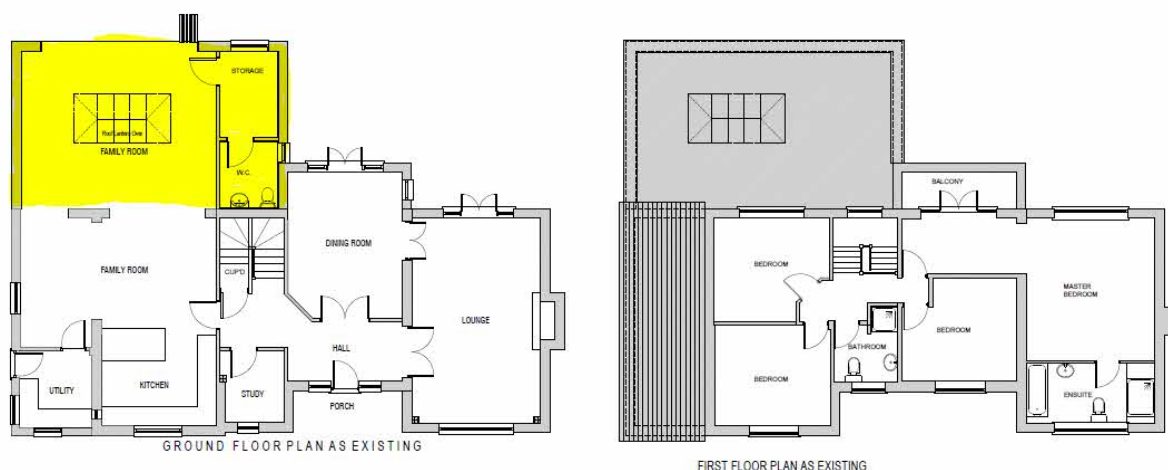


Figure 4 Permitted Development extension to the dwelling (2014/2015 Certificate applications)

2.12 The High Court has recently reaffirmed the principle that “[149(c)] is to be read in the context of the NPPF as a whole and, more particularly, in the light of the purposes of the Green Belt” (Warwick District Council v Secretary of State for Levelling Up, Housing And Communities [2022] EWHC 2145 (Admin) (12 August 2022) at paragraph 48). These purposes are set out in Paragraph 138 NPPF, and are:

- “a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

2.13 The proposal will not compromise these purposes; the Site is a residential property comprising the existing dwelling and amenity garden. The proposal will deliver additional floorspace above an existing single storey element, rather than delivering approved floorspace adjacent to the



existing footprint at ground floor level. The built form will therefore be contained within the footprint of the existing dwelling, rather than spreading beyond this, if the lawful extension is built out. As such, the proposal results in a more compact form of development than the lawful extension. As such, it is not considered that any of the above stated purposes will be compromised.

- 2.14 Nevertheless, because the collection of extensions are ‘disproportionate’ to the original dwelling, then pursuant to paragraphs 147 and 148 of the NPPF, permission should not be approved unless ‘Very Special Circumstances’ (VSC) can be demonstrated. These VSC must outweigh the harm to the Green Belt which has been identified and any other harm arising from the proposal.
- 2.15 There are indeed VSC arising which justify the grant of permission – namely, the existence of a valid fall back (the extension covered by the recently issued certificate of lawfulness, 23/0467/CES) which would deliver exactly the same amount of floorspace as is now proposed. There would not be harm to the openness of the Green Belt nor the purposes of its designation as such. As established in *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314, the existence of such a fallback is a material consideration of very significant weight when exercising a planning judgement.
- 2.16 As confirmed by the Supreme Court in *R (Samuel Smith Old Brewery (Tadcaster) and others v North Yorkshire County Council* [2020] UKSC 3, Green Belt openness has both spatial and visual aspects and is linked to the purposes of Green Belt designation:

“The concept of “openness” in para 90 of the NPPF seems to me a good example of such a broad policy concept. It is naturally read as referring back to the underlying aim of Green Belt policy, stated at the beginning of this section: “to prevent urban sprawl by keeping land permanently open ...”. Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. As PPG2 made clear, it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development. Paragraph 90 shows that some forms of development... may in principle be appropriate, and compatible with the concept of openness...”



- 2.17 It is clear, in this case, that any harm to the Green Belt is limited to definitional harm, based on strict interpretation of policy. There is no harm to the purposes of designation of the land as Green Belt, in terms of prevention of urban sprawl or preventing coalescence, for example. This is a simple householder application seeking to rationalise the floorspace of an existing dwelling.
- 2.18 When taking account of the fall back proposition here, it is clear that the Proposal has no greater impact on the openness of the Green Belt in spatial terms. As set out above, the Certificate of Lawfulness (23/0467/CES) confirms that a single storey extension of 11.5m² footprint has the benefit of deemed planning permission, pursuant to the Town and Country Planning (General Permitted Development) Order 2015. The proposal would deliver equivalent floorspace (11.5m²) instead of building out the lawful single storey extension. As such, there would be no net gain in floorspace. The area of land at the Site occupied by built form will be reduced, as compared with the lawful fallback position. This is a VSC. The necessary balancing exercise follows at the end of this statement, after considering whether there is any other harm arising.
- 2.19 Visually, the first floor extension will be viewed in the context of the existing dwelling and will not be prominent, nor visually intrusive. There is mature tree planting to the rear of the Site which forms a backdrop and intercepts any long range views through the gaps between the dwellings.



[Landscape Character, Visual Impacts, Neighbour Amenity and Design](#)

- 2.20 The Site is not located within any designated landscape.
- 2.21 Policy DM9 of the Core Strategy sets out design principles for new development, and requires (inter alia) that development “respects and enhances the local, natural or historic character of the environment be it in an urban or rural setting, paying particular regard to scale, materials,



massing, bulk and density; and (iii) Provide sufficient private and public amenity space and respect the amenities of occupiers of neighbouring property and uses; and (iv) Protect trees and other vegetation worthy of retention and provide high quality hard and soft landscaping where appropriate...”

- 2.22 The NPPF similarly supports high quality design, with paragraph 126 noting that “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities” and paragraph 130 seeking to ensure that “developments are visually attractive, as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character including landscape setting.”
- 2.23 The proposal has been carefully designed so that the additional volume is strictly limited to the extent of built form which is lawful, but which will remain unbuilt, so there is an offsetting of the impact of the new extension. The floorspace of the proposal is equivalent to that of the extension covered by the 2023 certificate of lawfulness (11.5m²). It is not considered that the proposal will give rise to any adverse impact on the landscape/ street scene.
- 2.24 Careful attention has been given to the proposed height, scale, density, layout and orientation of the extension, as well as the architectural design and materials, to ensure the resulting dwelling integrates well into its context, and has a more coherent design and layout, as compared with the lawful permitted development extension. The proposal will result in the additional built form being set further away from the boundary, as compared with the lawful PD extension. No windows are proposed on the northern elevation, to prevent any overlooking to the nearest neighbour’s property. The additional floorspace will accommodate an en suite bathroom and wardrobe, so will be used only intermittently. By comparison, the lawful PD extension would feature a side door into the property on the northern elevation.
- 2.25 In 2021, the nearest neighbour (The White Cottage GU24 8AP) was granted permission for a part two storey, part first floor rear extension, with increase in ridge height of 0.75m (20/1175/FFU). The Council considered that the increased ridge height was acceptable, as the roof form would complement the existing style of the building. The officer considered that that proposal “would not result in a significant amount of floorspace being added and in size terms would be subservient to the existing building”; they were content that it would not harm the character of the host building. Whilst the extension to the White Cottage would be visible in the street scene, the Council considered that the design was “complementary in design terms to the



existing building and given the existing variation in the street, it is not considered that any harm would be caused to the street scene.” A similar conclusion is warranted here. The proposed extension is of small scale and is subservient to the host dwelling; it would sit comfortably within the street scene.

- 2.26 In terms of neighbour amenity issues, the Council were content that the extension of the White Cottage would not have an overbearing impact on Kilrush: “The proposed rear extension would be approximately 2.9m from the southern boundary with Kilrush....Given the separation distance between the properties and the limited height increase of the extension, it is not considered any overbearing impacts on Kilrush would arise.” They were also content that there would be no overshadowing or light impacts to Kilrush, given the separation distance. A similar conclusion is warranted here. The proposal will replace a single storey lawful extension with equivalent floorspace at first floor, but the ridge height will still be lower than that of the existing dwelling.

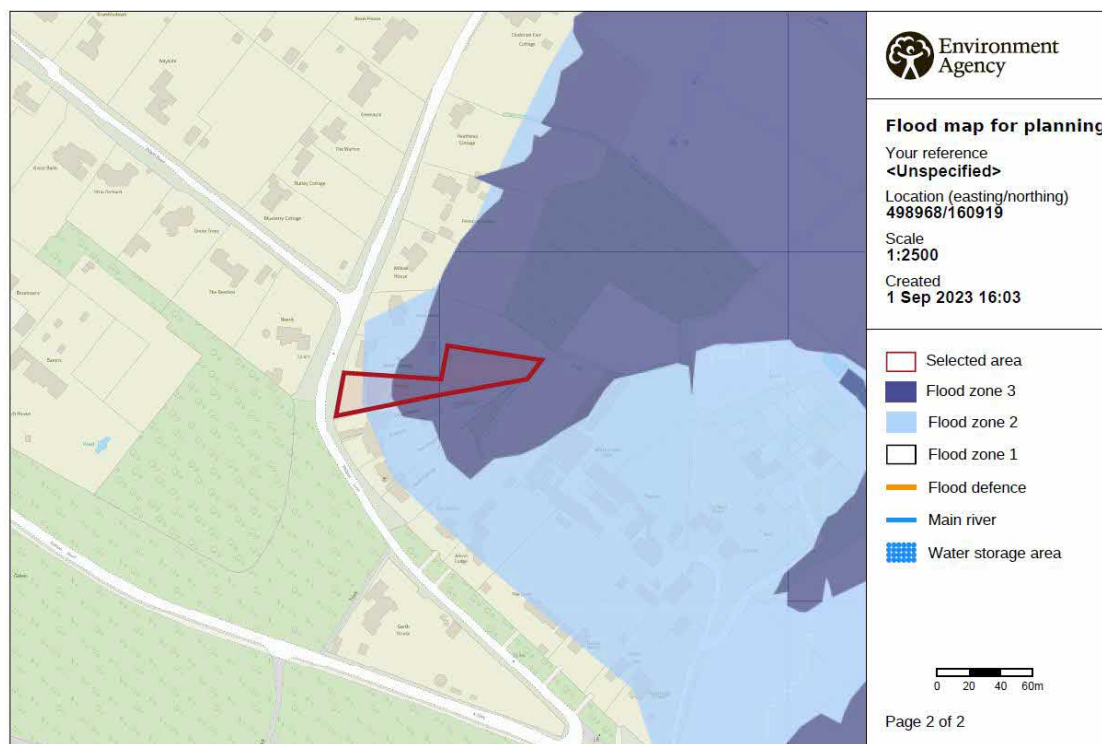
Flood Risk

- 2.27 The garden at the Site is located within Flood Zones 3, with the dwelling itself falling within Zone 2. The front driveway area is in Zone 1. Policy DM10 of the Core Strategy states that development within flood risk zones 2 & 3 or will not be supported unless: “(i) In fluvial flood risk areas, the sequential and exception tests have been applied and passed and is a form of development compatible with the level of risk; and (ii) For all sources of risk, it can be demonstrated through a site FRA that the proposal would, where practicable, reduce risk both to and from the development or at least be risk neutral; and (iii) Where risks are identified through an FRA, flood resilient and resistant design and appropriate mitigation and adaptation can be implemented so that the level of risk is reduced to acceptable levels.”
- 2.28 A Flood Risk Statement is provided in Section 3 of this report.



3 FLOOD RISK STATEMENT

3.1 An extract of the Environment Agency Flood Risk Map for Planning is provided below. The dwelling, Kilrush, is located in Zone 2, but the rear garden of the property is in Flood Zone 3.



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3.2 Planning Practice Guidance on Flood Risk provides that standing advice applies to minor extensions in Flood Risk Zones 2 and 3:



“When to follow standing advice. You should follow the Environment Agency’s standing advice you’re carrying out a flood risk assessment of a development classed as: a minor extension (household extensions or non-domestic extensions less than 250 square metres) in flood zone 2 or 3”

- 3.3 The standing advice is available at <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice>. This requires that a plan be provided showing the finished floor levels, and these should be no lower than the existing floor levels, or 300mm above the estimated flood level. Flood resilient materials should also be used up to at least 300mm above the estimated flood level.
- 3.4 In this case, the proposal is to deliver 11.5m² of floorspace above an existing single storey element of the building. This will be delivered instead of a lawfully approved single storey extension on land which presently accommodates no built form. As such, it delivers an improvement, in flood risk terms, with less built form at ground floor level. See plan CDA-128-044 which shows floor levels.



4 PLANNING BALANCE AND CONCLUSIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Proposal has been carefully considered in the context of all the relevant national, local and neighbourhood planning policies and other material considerations.
- 4.2 Spatially, there will be no change in the footprint of built form on the Site, it is a 'like-for-like' replacement which offsets a lawful extension (covered by a certificate of lawfulness) with the proposal. As such there is no spatial impact on the Green Belt – the floorspace of the dwelling will be the same under either scenario. Nor is there any harm to any of the defined Green Belt purposes. The extent of harm to the Green Belt is limited to definitional harm, on the basis that it is defined as a 'disproportionate extension' as compared to the original dwelling (given previous decisions many years ago allowing extension of the same). This attracts substantial weight, as directed by the NPPF.
- 4.3 It is also necessary to consider any other harm arising, in undertaking this balancing exercise. There are no landscape or visual effects which give cause for concern and relevant policy is met. The proposal has been carefully designed so that the additional floorspace is strictly limited to that which is lawful, but will remain unbuilt, so there is an offsetting of the impact of the new extension. The proposal will deliver a more coherent design which will enhance the character of the Site. The spread of built form will be reduced, as compared with the fall back position (of building out the PD scheme), meaning greater degree of separation between Kilrush and the White Cottage to the north. The design of the proposal will fit comfortably within the street scene, and due to separation distances, no amenity impacts should arise for the occupants of the White Cottage.
- 4.4 The identified harm (definition Green Belt harm) is outweighed by the VSC which arise in this case. The amount of floorspace proposed is strictly limited to that which is to be removed or remain unbuilt (despite being lawful). The proposal is therefore compliant with Green Belt policy.



- 4.5 The Site is partially in Flood Zones 2 and 3; as the proposal is for a minor extension standing advice applies. The proposal delivers an improvement in flood risk due to relocation of additional lawful built form from ground floor to first floor level.
- 4.6 The NPPF (a material consideration) is also supportive of development which makes effective use of land where this can maintain an area's prevailing character and setting (paragraphs 119, 120, 124). This proposal delivers an enhancement of the design, appearance and thermal efficiency of the dwelling so offers significant benefit.
- 4.7 The proposal is compliant with all relevant policy and other material considerations and should therefore be approved.