

 Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate	TO:		PLANNING COMMITTEE
	DATE:		1 st August 2018
	REPORT OF:		HEAD OF PLACES & PLANNING
	AUTHOR:		Matthew Sheahan
	TELEPHONE:		01737 276514
	EMAIL:		Matthew.sheahan@reigate-banstead.gov.uk
AGENDA ITEM:	6	WARD:	Kingswood with Burgh Heath

APPLICATION NUMBER:	18/01015/S73	VALID:	10/05/2018
APPLICANT:	Mr & Mrs Mark Saunders	AGENT:	Paradigm Planning Ltd
LOCATION:	GULLFOSS THE GLADE KINGSWOOD, KT20 6JE		
DESCRIPTION:	Retention and remodelling of the attached garage (the subject of upheld enforcement appeal app/l3625/c/16/3159408) and associated landscaping. Variation of condition 1 of permission 17/02197/HHOLD. Amendment to plans for garage roof		
All plans in this report have been reproduced, are not to scale, and are for illustrative purposes only. The original plans should be viewed/referenced for detail.			

This application was deferred from the 4th July meeting of the Planning Committee.

The previous report is appended.

 Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate	TO:		PLANNING COMMITTEE
	DATE:		4 th July 2018
	REPORT OF:		HEAD OF PLACES & PLANNING
	AUTHOR:		Matthew Sheahan
	TELEPHONE:		01737 276514
	EMAIL:		Matthew.sheahan@reigate-banstead.gov.uk
AGENDA ITEM:	10	WARD:	Kingswood with Burgh Heath

APPLICATION NUMBER:		18/01015/S73	VALID:	10/05/2018
APPLICANT:	Mr & Mrs Mark Saunders		AGENT:	Paradigm Planning Ltd
LOCATION:	GULLFOSS THE GLADE KINGSWOOD, KT20 6JE			
DESCRIPTION:	Retention and remodelling of the attached garage (the subject of upheld enforcement appeal app/I3625/c/16/3159408) and associated landscaping. Variation of condition 1 of permission 17/02197/HHOLD. Amendment to plans for garage roof			
All plans in this report have been reproduced, are not to scale, and are for illustrative purposes only. The original plans should be viewed/referenced for detail.				

SUMMARY

This is a householder application for the retention and re-modelling of the attached garage. This garage was erected without planning permission and has been the subject to an enforcement notice and dismissed appeal, dated 11 May 2017, that upheld the Enforcement Notice. The requirement of the Enforcement Notice is to *“remove the attached double garage side extension with accommodation in the roof in its entirety and restore the land to its former condition.”* The corrective works have not been carried out.

Planning permission was granted in March 2018 for a double garage with a reduced scale pitched roof and associated landscaping, under permission ref: 17/02197/HHOLD. That permission has not been implemented and this application seeks an alteration to that approved design by replacing the pitched roof with a flat roof. Whilst a flat roof design is not generally encouraged within local plan policy and supplementary planning guidance, it is considered that in this case such a simple design approach would, on balance, be outweighed by the further reduction of bulk that would result thereby lessening the level of visual impact within this open part of the RASC and in the sites role in its transition to the green Belt beyond. The eaves and fascia detailing at this point would be consistent in appearance with the existing flat roofed outbuilding to the rear of the property.

The background to this case is material to this judgement and the decision and notwithstanding the Planning Enforcement Notice this application seeks to provide an alternative solution in design terms to address the adverse impact resulting from the erection of the garage extension with accommodation in the roof, without planning permission, by proposing to remove the accommodation in the roof and reduce and amend the design of the garage to incorporate a flat roof together with additional landscaping to the front and side boundaries of the site and by submitting this application again bringing the landscaping into the control of the Council (by way of condition).

The property is located within the Kingswood Warren and The Glade Residential Area of Special Character (RASC), on a corner plot featuring significant changes in ground levels, and is in a location that transitions with the Metropolitan Green Belt to the South of the site.

Two previous applications, 14/01224/HHOLD and 14/01227/HHOLD granted consent to remodel, re-furbish and extend the existing house. Neither of these planning permissions was ever implemented. Additionally a new vehicular access was installed to the east side of the property, allowing access from the glade.

Following a planning enforcement investigation it was established that the garage building as constructed was unlawful as it does not comply with permitted development. As the garage is attached to the main house it is classed as a side extension rather than an outbuilding. A side extension which exceeds 4m in height would require planning permission.

The Enforcement Notice was issued requiring the removal of the garage in its entirety and the land restored to its original condition. An appeal was made against the Enforcement Notice on the ground that planning permission should be granted for the garage. The Inspector dealing with the appeal noted that *"Gulfoss is one of a small group of three similar dwellings on the eastern side of The Glade, at the southern end adjacent to Outwood Lane. Amenity space lies to the south of the plot by Outwood Lane where several trees line the southern boundaries. To the east and south of the site on the other side of Outwood Lane is the boundary of the urban area where it meets the Green Belt and a designated Area of Great Landscape Value (AGLV)." On the assessment of the impact of the development the Inspector opined that "... the unauthorised development is of a considerable bulk and mass and has extended the plot closer to The Glade. Its front elevation is in line with the main front elevation of the host dwelling and the increased width and bulk of the property, close to the road differs significantly from what was previously approved. As such it has had a harmful effect on the character of the RASC which is exemplified by tree-lined roads that mitigate the impact of the built form within the street scene. This effect is exacerbated by the new tarmac access to the west side of the plot. This has replaced an attractive grass verge with vegetation along the boundary, as can be seen in the photographs supplied of the pre-existing views of the appeal site."*

The Inspector gave little weight to the fall-back position of permitted development by virtue of the excessive height and concluded that *"the unauthorised double garage side extension with roof accommodation, by reason of its disposition within the plot,*

height, scale and overall mass and bulk is an overly intrusive form of development that unacceptably detracts from the pre-existing open character of the plot and the Residential Area of Special Character. For similar reasons it also harms the transitional setting of the adjacent Green Belt."

In order to address this identified harm, an application was submitted and resolved to grant planning permission, subject to some additional landscaping requirements, by the Planning Committee on 21st February 2018 for a new garage of a reduced height to that which was constructed unlawfully. The previous proposal reduced the existing steeply pitched roof from 5.5m to 4m, representing a shallower hipped roof design, with the width remaining the same as the existing. It was considered that this reduction in height of the garage, coupled with the additional planting that was secured by condition, was sufficient to overcome the harm identified by the planning inspector.

This further revision, on balance, would further reduce the mass of the resultant building and whilst flat roof extensions in prominent locations are normally avoided in these circumstances it is considered, on balance, that no material harm to the character would result.

As part of the assessment the applicant asked the Council to specifically review the landscaping condition and requirement of the planning permission, approved under 17/02197/HHOLD that requires two Silver Birch trees to be planted in the front garden area in position A and B. At position A the applicant had planted a small replacement Silver Birch tree as a replacement to a protected Silver Birch that had been previously removed from the site. At the time of planting the tree was particularly small in comparison to the replacement size of tree proposed and approved in the submitted landscaping plan as part of the planning application, ref:17/02197/HHOLD. With the growth this spring it was requested by the applicant that consideration be given to vary to the requirement of the condition to allow the planted tree in position A to be left alone. The review undertaken has concluded that in terms of visual impact and contribution to the sylvan nature of the area the existing planted Silver Birch, whilst a maximum of 3.3m high when the branches are straightened is not a significant specimen, as yet, and will not make a significant contribution or enhance the area in lieu of the impact from the garage development on the landscaping of the site for some time. The size of the replacement tree proposed in condition 4 will ensure it has an immediate impact on the character of the area and should be attached to this application. The landscaping requirement previously proposed and the additional requirements resolved by the Committee therefore remain, as previously resolved.

It has been demonstrated that the access arrangements on this private road in conjunction with the proposed landscaping would provide an acceptable level of visibility by maintaining the height of the hedge to the north to a height of 1m. The planting to the south of the site would also be maintained to a height of 1m.

RECOMMENDATION(S)

Planning permission is **GRANTED** subject to conditions.

Consultations:

Highway Authority: add any specific comments here. Standard response is:

"The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements subject to conditions."

Kingswood Residents Associated: Should the Council be minded to approve the application, the KRA would wish to see a conditional timetable set for the start and completion of works.

Representations:

Letters were sent to neighbouring properties on 18th May 2018. A site notice was posted on 21st May 2018. No responses have been received.

1.0 Site and Character Appraisal

- 1.1 The site is located at the junction of The Glade and Outwood Lane in Kingswood. To the east and south of the site (on the other side of Outwood Lane from the application site) is the boundary of the urban area with the Green Belt and the designated Area of Great Landscape Value (AGLV)
- 1.2 The site has significant land level changes occupied by a large two storey dwelling located within the Kingswood Residential Area of Special Character. The ground level drops sharply from the front boundary of the property to the rear. The dwelling is set within a large plot and is afforded a good sized rear garden. The existing property has hipped roofs with a side facing dormer to the side (east) elevation. Neighbouring properties are similar in terms of size, with slight variation in style and character. There are a number of trees within the site, which are afforded protection by a group tree preservation order.
- 1.3 The surrounding area is typified by large detached residential dwelling houses, set within very large plots with extensive rear gardens and high level of spacing between dwellings. Plots are typified by dense tree cover and vegetation, which is a typical characteristic of the RASC.

2.0 Added Value

- 2.1 Improvements secured at the pre-application stage: The local planning authority was not approached for formal advice prior to the submission of this application.

2.2 Improvements secured during the course of the application: amended plans have not been sought during the course of the application as the proposal is considered to be acceptable.

2.3 Further improvements could be secured: further improvements can be sought by way of suitably worded conditions.

3.0 Relevant Planning and Enforcement History

3.1	14/01224/HHOLD	Re modelling/refurbishment and extensions to existing dwelling, including partial demolition of existing and new raised roof line with room in roof construction to incorporate habitable accommodation with in the roof	Granted 9th October 2014
-----	----------------	--	-----------------------------

3.2	14/01227/HHOLD	Re-modelling/refurbishment and extensions to existing dwelling, including partial demolition of existing and new part first floor added, raised roof line to incorporate habitable accommodation. As Amended by plans registered on 8/12/14.	Granted 9th December 2014
-----	----------------	--	---------------------------------

3.3	13/01353/TPO	Fell one field maple to ground level	Refused 31st July 2013
-----	--------------	--------------------------------------	---------------------------

3.4	16/00149/DNAP2	Not built in accordance with approved plans and TPO trees	Enforcement notice served 23 August 2016. Appeal Dismissed and the the Notice upheld 11 May 2017
-----	----------------	---	--

3.6	17/02197/HHOLD	Retention and remodelling of the attached garage (the subject of upheld enforcement appeal app/I3625/c/16/3159408) and associated landscaping.	Granted 16th March 2018
-----	----------------	--	----------------------------

3.5 A Copy of the Appeal decision on the Enforcement Notice is attached to this report.

4.0 Proposal and Design Approach

- 4.1 This is a Section 73 application to vary condition 1 of planning permission 17/02197/HHOLD, which granted consent for the retention and remodelling of an existing attached garage, which is the subject of an upheld enforcement appeal. The enforcement notice was issued following a breach of planning permission relating to planning applications 14/01224/HHOLD and 14/01227/HHOLD. Neither of these extant planning permissions was implemented.
- 4.2 Instead, alterations were made to the pre-existing garage arrangement, adding a new attached garage to the west of the main dwelling, bringing the bulk of the property in closer proximity to The Glade. This garage has been constructed unlawfully. The garage as constructed has a height of 5.5m to the ridge. It provides a double garage with living accommodation above in the roof space, and is sited some 4.6m from the boundary of the site to the west.
- 4.3 Following an enforcement investigation it was established that a garage had been constructed to the side of the property attached to the main dwelling. As such, the garage as built constitutes a side extension by virtue of the height exceeding 4m. Consequently an Enforcement Notice (EN) was served requiring the removal of the garage in its entirety and to restore the land to its former condition. The subsequent appeal was made on ground (a) 'that planning permission should be granted for what is alleged in the site notice'.
- 4.4 In the appeal decision, the inspector identified the site as being within a Residential Area of Special Character (RASC), typified by its predominance of tree cover where new development would be expected to retain and enhance existing landscaping and, where possible, ensure parking hard standings and garaging should not be visible from access roads. In their assessment, the inspector formed the view that the garage as built *is of considerable bulk and mass and extends the plot closer to the glade*. The inspectors view was that this has had a harmful effect on the character of the RASC, which is exemplified by tree lined roads which serve to mitigate impact of built form within the streetscene. The inspector also stated that *'this effect is exacerbated by the new tarmac access to the west of the plot. This has replaced an attractive grass verge with vegetation along the boundary'*. The inspector concluded that the *'the unauthorised double garage side extension with roof accommodation, by reason of its disposition within the plot, height, scale and overall mass and bulk is an overly intrusive form of development that unacceptably detracts from the pre-existing open character of the plot and the Residential Area of Special Character. For similar reasons it also harms the transitional setting of the adjacent Green Belt'*.
- 4.5 The previous application sought to reduce the height of the garage to 4m as measured from the highest point of the land, giving the garage a shallower roof pitch. The width of the garage at 5.4m was proposed to remain. The garage as previously granted would have a hipped roof as opposed to the

existing tall pitched roof. The revised scheme was deemed to be acceptable as regards to the impact on the Residential Area of Special Character, agreeing that, subject to enhanced landscaping, the appearance within this open part of the RASC would overcome the inspectors concerns.

4.6 It was proposed to provide further landscaping along the west side boundary of the site around the point of the additional access and along The Glade. To the north of the access, it was proposed to keep the existing laurel hedge to a height of 0.6m, transitioning to a height of 1m to the north. An existing replacement tree, a silver birch, would be replanted in order to comply with the existing Tree Replacement Notice (TRN), which at present is of an inadequate size. This tree would be 4.5m in height with a girth of 16-18cm. An additional Silver Birch tree would be planted to the North of an existing Cherry. To the south of the access the existing Laurel hedge would be maintained to a height of 1m, with 6 new 1.8m high Laurels and Holly and/or Yew plants planted. It was agreed that proposed landscaping scheme, coupled with the reduced scale of the building, would overcome concerns raised regarding the additional level of built form with the RASC. It was deemed appropriate by committee during consideration of the previous application to amend condition 4 to require a Silver birch 4.5m in height with a girth of 16-18cm to be planted instead of the replacement tree B as shown on drawing 1776-P004 Rev C.

4.7 Following this previous application the applicant has changed the proposed design, due to concerns about the shallow pitch and the weatherproofing qualities of the plain tiles to be used. It is now proposed to incorporate a flat roof design to the garage. It would have an overall height of 2.6m, with an eaves height of 2.2m. The width of the garage would remain at 5.4m as per the garage as built.

4.8 As regards to landscaping, the previous application proposed 6 new 1.8m high laurels to the west boundary of the property. It was also proposed as part of the landscaping scheme to replant the existing tree currently sited at position A on the submitted landscaping plan 1776-P004 Revision C, in position B, and provide a replacement tree of 4.5m in height with a girth of 16-18cm.

4.9 A design and access statement should illustrate the process that has led to the development proposal, and justify the proposal in a structured way, by demonstrating the steps taken to appraise the context of the proposed development. It expects applicants to follow a four-stage design process comprising:
Assessment;
Involvement;
Evaluation; and
Design.

4.10 Evidence of the applicant's design approach is set out below:

Assessment	The statement does not include an assessment of the local character of the area.
	No site features worthy of retention were identified.
Involvement	No community consultation took place.
Evaluation	The statement does not include any evidence of other development options being considered. The application is retrospective in nature therefore there are no other development options to be considered.
Design	The statement explains that the flat roof design has been chosen for reasons of both cost and expediency in light of the outstanding Enforcement Notice.

5.0 Policy Context

5.1 Designation

Kingswood Warren and The Glade Residential Area of Special Character
TPO BAN160
Adjacent to the Metropolitan Green Belt
Adjacent to Area of Great Landscape Value

5.2 Reigate and Banstead Core Strategy

CS1(Sustainable Development)
CS4 (Valued Townscapes and Historic Environment)

5.3 Reigate & Banstead Borough Local Plan 2005

Landscape & Nature Conservation	Pc4
Housing	Ho9, Ho13, Ho15, Ho16, Ho17

5.4 Other Material Considerations

National Planning Policy Framework	
National Planning Practice Guidance	
Supplementary Planning Guidance	
Other	Human Rights Act 1998 Community Infrastructure Levy Regulations 2010

6.0 Assessment

- 6.1 The proposal seeks to vary condition 1 of planning permission 17/02197/HHOLD for the retention and remodelling of the attached garage (the subject of upheld enforcement appeal app/l3625/c/16/3159408) and

associated landscaping. The application seeks to vary the approved plans to allow for revised garage roof design.

6.2 The main issues to consider are:

- Design and impact on the character of the RASC;
- Impact on neighbouring residential amenity;
- Impact on trees;
- Highway Safety
- Enforcement

Design and impact on the character of the area RASC

- 6.3 In order to address the concerns raised by the planning inspector, which have been outlined earlier in this report, the proposal would need to reduce the level of harmful impact on the landscaped character of the RASC, rectifying the harm caused by the existing unlawful garage.
- 6.4 The proposed reduction in height of the garage would lessen the level of bulk and built form compared to that of the garage as built, and the previously approved scheme. However in isolation this reduction would not overcome the identified harm. During the course of the previous application a landscaping scheme had been developed and submitted. It is proposed to incorporate laurel hedging to the north and South of the newly created access, ranging in height from 0.6m to 1m in height. Laurel with a mix of holly and/or yew is an established boundary treatment throughout the RASC and would be appropriate in this instance and introduce additional landscaping to what exists at the present and bring it under control by way of condition.
- 6.5 The reduction in the built form and the flat roof design would reduce the bulk of the double garage materially and if it were not attached to the house it would constitute permitted development and this is a significant material consideration. The eaves detailing and proposed fascia would be consistent with the existing outbuilding to the rear of the garage in the back garden. This would allow for a consistency to be maintained as regards to built form along the western boundary of the site.
- 6.6 It is clear that the level of proposed landscaping due to its limited quantum and the existence of the driveway access (built under permitted development) would not afford the same level of landscape screening and transition that existed prior to the extensions and alteration of the dwellinghouse. However it is considered that, on balance, the level of material harm would be reduced sufficiently by the combination of these proposals to address the issues that informed the service of the Enforcement Notice and thereby to accord with policy on this matter.

Impact on neighbouring residential amenity

- 6.7 The location of the garage adjacent to the highway is sited away from neighbouring properties, its' location being on a corner plot. As such it would not impact on the amenity of any neighbouring properties and would comply with policies Ho9, Ho13 and Ho16 in this regard.

Trees

- 6.8 The Councils' Tree Officer has been consulted on the previous application and was satisfied with the proposed landscaping scheme. Following the unlawful removal of a pre-existing Silver Birch tree in this location, enforcement action was taken leading to the issuing of a Tree Replacement Notice (TRN) requiring the replacement of this tree. The notice required planting of a Silver Birch of Advanced Nursery Stock, with the minimum requirements being 4.5m in height with a girth between 16-18cm, and should be located in the same place or nearby to the location of the original tree. Initially a smaller tree was planted; however this was deemed an unacceptable replacement not in compliance with the above notice. The tree proposed would comply with the above dimensions and the Tree Officer is satisfied with this. The replacement Birch would fall within Woodland TPO (BAN160). Therefore consent would be required from the Local Planning Authority before undertaking any remedial work such as pruning.
- 6.9 It was deemed appropriate by committee during consideration of the previous application to amend condition 4 to require a Silver birch 4.5m in height with a girth of 16-18cm to be planted instead of the replacement tree B as shown on drawing 1776-P004 Rev C.
- 6.10 At present the Silver Birch currently sited at position A is currently 3.3m in height with a girth of 10cm. It is considered that this is at present not a significant specimen and will not enhance the area for some time. Therefore it is appropriate that condition 4 of this report still applies, requiring the existing tree to be re-sited, with an additional tree to the above specifications to be planted.
- 6.11 The proposed works to the garage would not involve any excavations within the rooting area of nearby trees and therefore it is not considered that a tree protection condition would be required. The proposed landscaping works would comply with Policies Pc4 and Ho15 of the Borough Local Plan 2005.

Highway Safety

- 6.12 During the course of the previous application information was submitted demonstrating the level of visibility for vehicles exiting the site via the newly created access to the South West of the site. The Laurel hedging immediately to the north and south of the site would be limited to 0.6m, increasing to 1m along rising ground level to the north.
- 6.13 The Glade is a private road with a 20mph speed limit up a gradient of 9.1% rising upwards to the north. The northern most access is shared by the

applicant with 'Beckers' to the east, approximately 30m south of an existing bend in the road.

- 6.14 According to the Manual for Streets a safe stopping distance for a 20mph road is 25m. However the speed would be marginally increased in respect of vehicles travelling down The Glade towards Outwood Lane. This would require a greater level of visibility to the north of the site. Conversely vehicles travelling northwards up The Glade would be travelling at a slower speed, approximately between 10 and 12mph. This would reduce further when travelling northwards up The Glade.
- 6.15 Following the submission of further detail related to visibility splays within the site, it is identified that visibility splays of 30m to the right and 16.4m to the left of the new access would be required. It is considered that the greater area of risk in terms of highway safety would be from vehicles travelling in a southern direction. In the event that a vehicle should turn right on to The Glade from the access, it is considered that the level of visibility achievable would be acceptable from a highway safety point of view. The proposed alterations to the approved design would not alter the position regarding highway safety.

Enforcement

- 6.16 The on-going requirement and non-compliance with the requirements of the Enforcement Notice is to be noted and it is noted that the Local Residents Association for the purposes of their representation have requested a timescale condition for compliance. Such a condition would not meet the tests set out in the Planning Practice Guidance (PPG) and would be '*ultra vires*'. In this situation where compliance with a notice has not occurred the recourse for the Council would be through prosecution for the offence of non-compliance.
- 6.17 The position of prosecution has been reviewed on regular occasions with regard to the non-compliance and to test the non-planning '*public interest*' case for initiation of formal prosecution proceedings. The applicant has also been reminded of the need to comply and has been asked to update the Council on their intentions.
- 6.18 At this time the applicant has stated that they have contractors lined up to complete the works, this summer (by the end of August), on the re-modelling of the garage, to comply with a planning permission but the scheme they implement will be either the scheme permitted under 17/02197/HHOLD or this application, if permitted.
- 6.19 A review on the continued non-compliance was completed with the Borough Solicitor prior to the completion of this report and in the present circumstances it is not considered to be in the public interest on the merits of this particular case to initiate prosecution at this time. This of course remains under review and it is appropriate to repeat the informative imposed on the previous permission.

CONDITIONS

1. The development hereby permitted shall be completed before the expiration of three years from the date of this permission.

Reason:

To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

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

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

Plan Type	Reference	Version	Date Received
Location Plan	1776-P001	A	21.11.2017
Roof Plan	16 51 03		22.09.2017
Floor Plan	16 51 03		22.09.2017
Elevation Plan	1776-P103	B	10.05.2018
Combined Plan	1776-P101	A	21.11.2017
Survey Plan	SO863-01	B	21.11.2017
Floor Plan	1776-P102	A	21.11.2017
Elevation Plan	1776-P303	B	10.05.2018
Roof Plan	1776-P104	B	10.05.2018
Elevation Plan	1776-P304	A	21.11.2017
Block Plan	1776-P002	A	21.11.2017
Site Layout Plan	1776-P003	A	21.11.2017
Elevation Plan	1776-P302	B	10.05.2018
Elevation Plan	1776-P301	B	10.05.2018
Landscaping Plan	1776-P004	C	10.01.2018
Other Plan	2018/4132/002		30.01.2018
Other Plan	2018/4132/001		30.01.2018

Reason:

To define the permission and ensure the development is carried out in accord with the approved plans and in accordance with National Planning Practice Guidance.

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason:

To ensure that the development hereby permitted is only constructed using the appropriate external facing materials or suitable alternatives in the interest of the visual amenities of the area with regard to Reigate and Banstead Borough Local Plan 2005 policies Ho9 and Ho13.

4. Within the first planting season following this permission the landscaping of the site including the retention of existing landscape features shall be completed in accordance with the submitted and approved scheme with the following changes, unless otherwise agreed in writing by the Local Planning Authority:

a) A Silver Birch tree to be 4.5m in height and 16-18cm girth shall be planted instead of the proposed replacement tree 'B' as shown on Drawing Number 1776-P004 Rev C dated 10/01/2017, and;

b) A mix of at least 3 Holly and/or Yew plants at 0.9m high shall be included within the planting mix of the frontage hedge to be planted in the location identified on drawing Number 1776-P004 Rev C dated 10/01/2017 for '6 new 1.8m high laurel (placed 1.8m from roots of existing trees.) '

Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, shrubs of the same size and species.

Reason:

To ensure good arboricultural and landscape practice in the interests of the maintenance of the character and appearance of the area and to comply with policies Pc4, Ho15 and Ho9 of the Reigate and Banstead Borough Local Plan 2005.

5. The visibility zones in accordance with the approved plans shall be kept permanently clear of any obstruction over 1.05m high.

Reason:

The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users with regards Policy CS10 of the adopted Reigate and Banstead Core Strategy 2014, Policies Mo4 and Mo5 of the Reigate and Banstead Borough Local Plan 2005 and the National Planning Policy Framework 2012.

INFORMATIVES

1. Your attention is drawn to the safety benefits of installing sprinkler systems as an integral part of new development. Further information is available at www.firesprinklers.info.
2. The applicant is encouraged to provide renewable technology within the development hereby permitted in order to reduce greenhouse gas emissions.
3. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
 - (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;

- (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
- (c) Deliveries should only be received within the hours detailed in (a) above;
- (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
- (e) There should be no burning on site;
- (f) Only minimal security lighting should be used outside the hours stated above; and
- (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit.

In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme - www.ccscheme.org.uk/index.php/site-registration.

4. The Applicants attention is brought to the requirement of the Planning Enforcement notice that required the corrective works to be completed within three months of the date the Enforcement Notice became effective. The Enforcement Notice is extant and the Council will expect, to avoid prosecution proceedings, the works to the garage and accommodation in the roof to be completed within 3 months of the date of this permission.

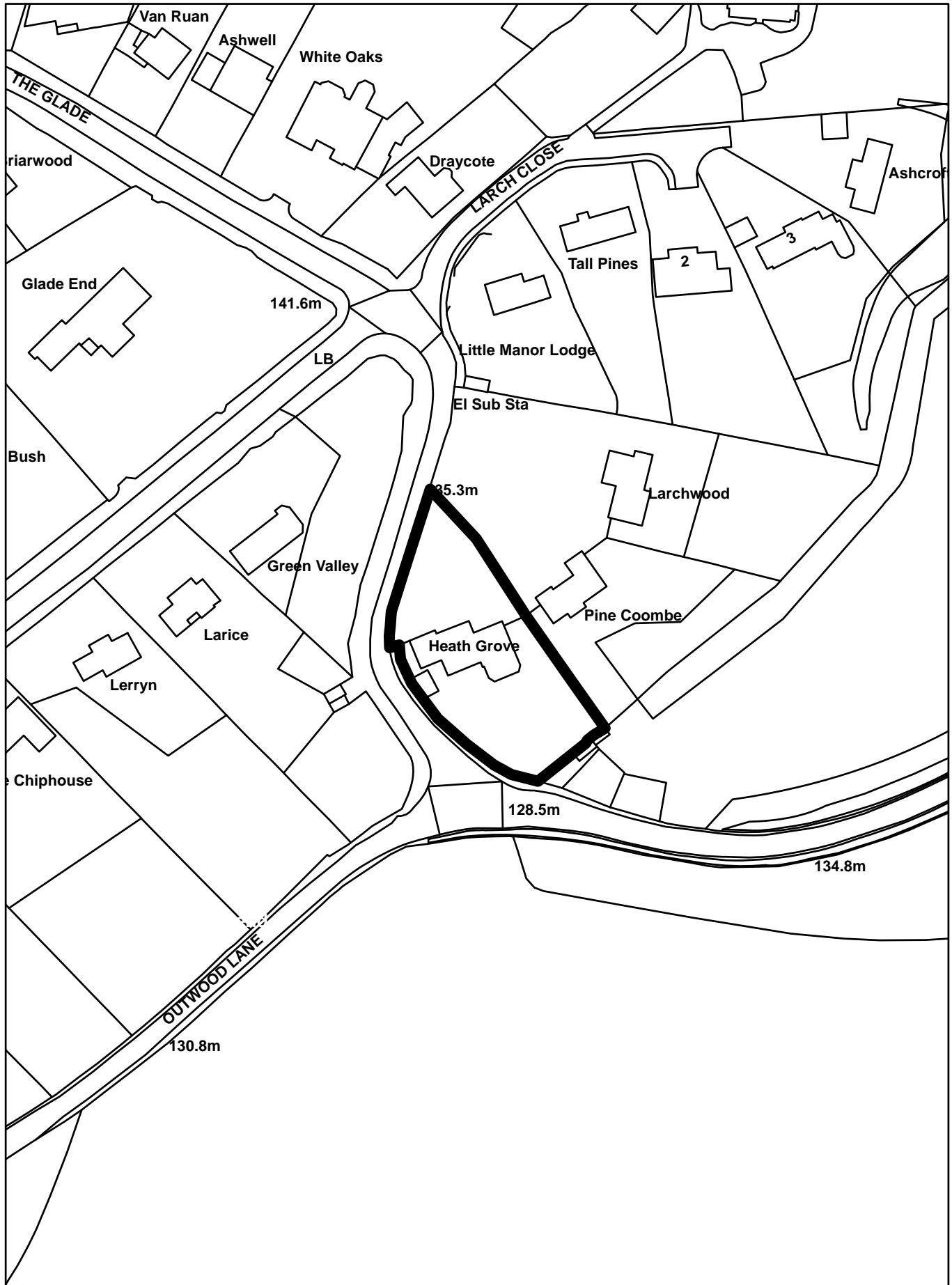
REASON FOR PERMISSION

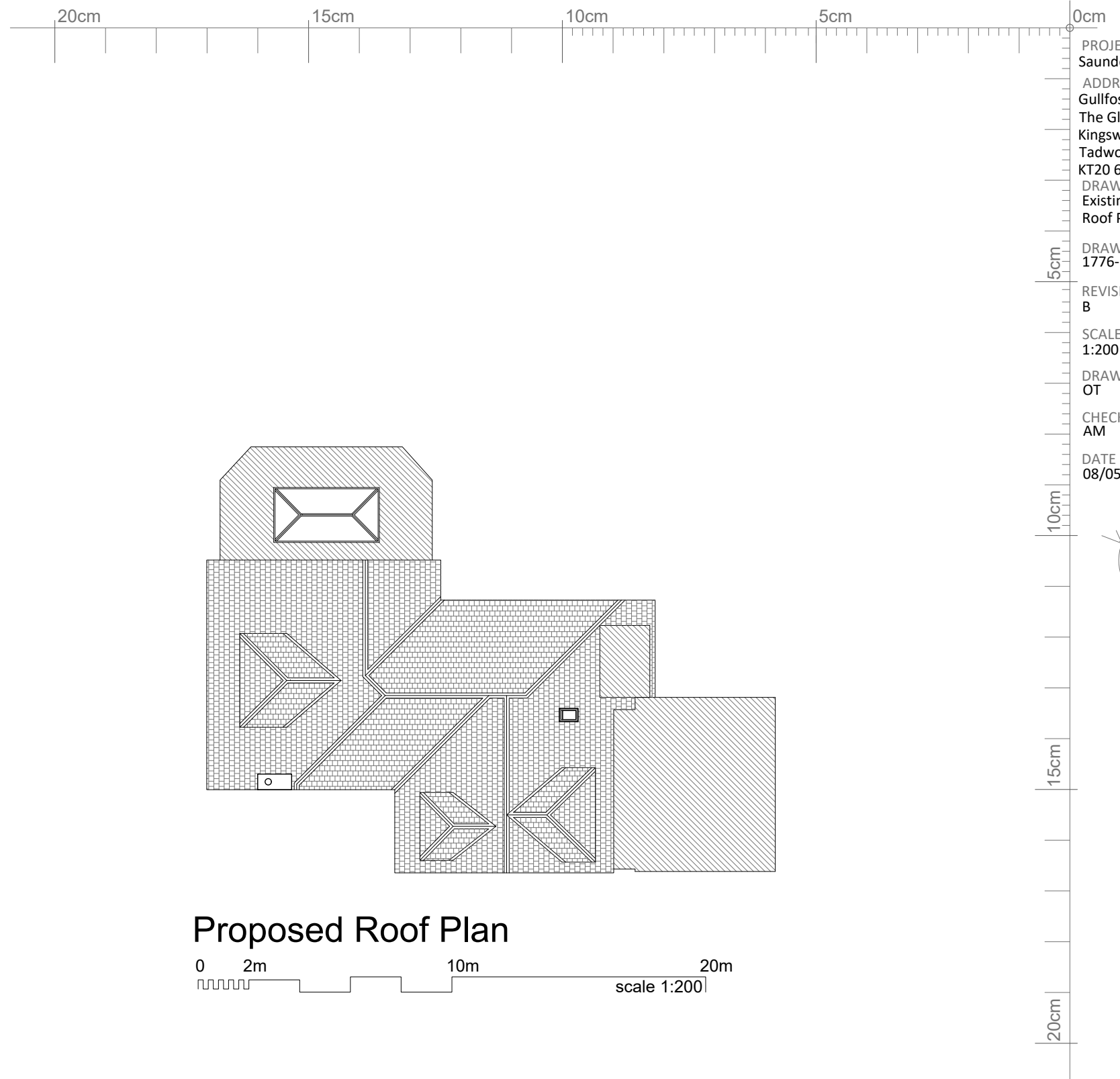
The development hereby permitted has been assessed against development plan policies Pc4, Ho9, Ho13, Ho15, Ho16 and Co1, and other material considerations, including third party representations. It has been concluded that the development is in accordance with the development plan and there are no material considerations that justify refusal in the public interest.

Proactive and Positive Statements

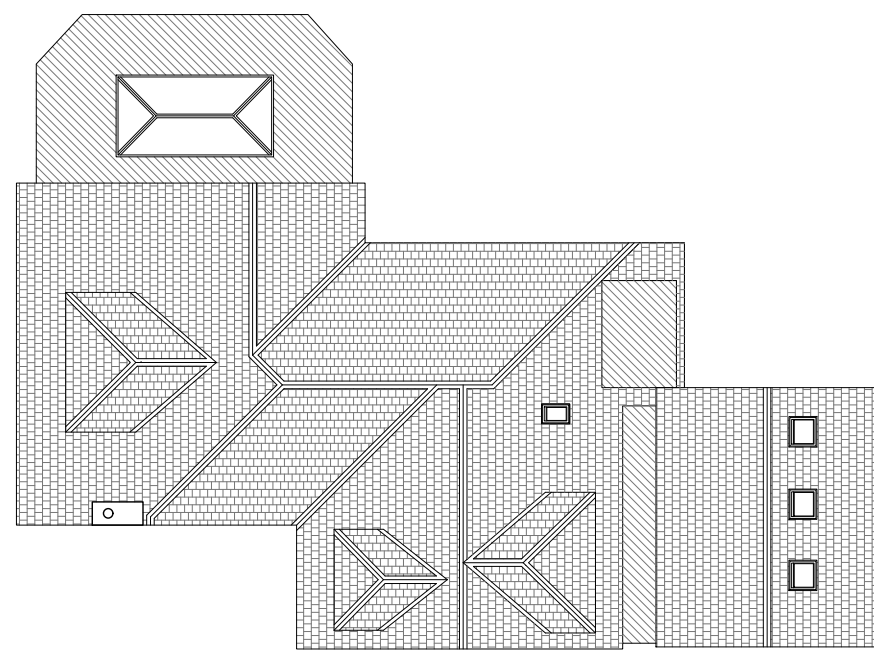
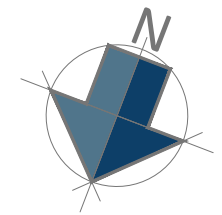
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development where possible, as set out within the National Planning Policy Framework.

18/01015/S73 - Gullfoss, The Glade, Kingswood

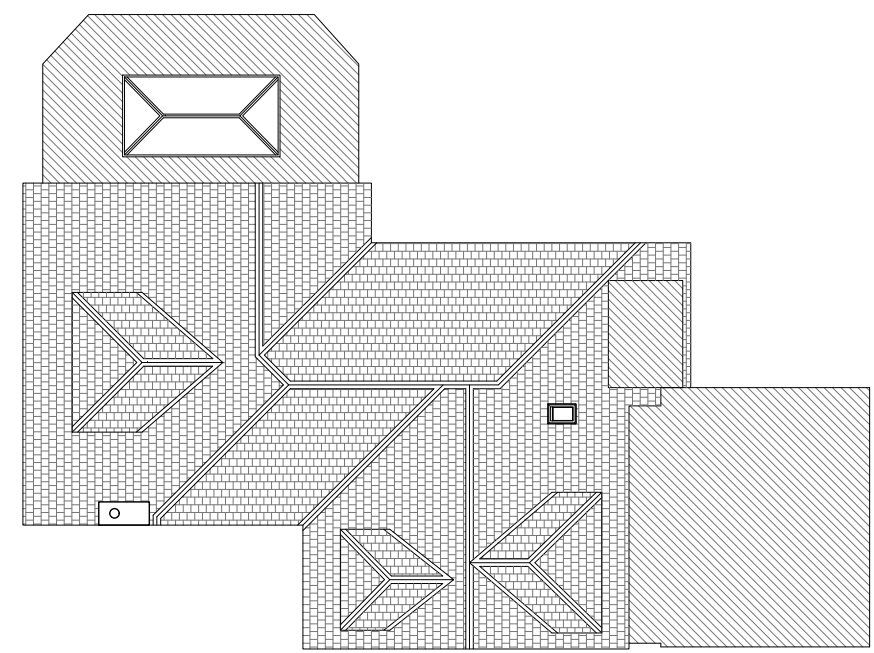
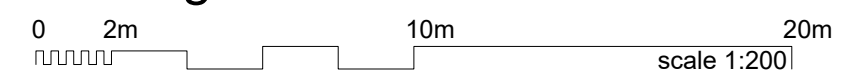




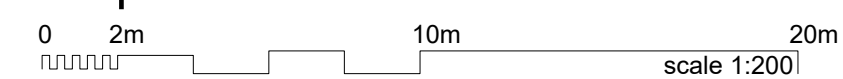
PROJECT
Saunders
ADDRESS
Gullfoss
The Glade
Kingswood
Tadworth
KT20 6JE
DRAWING TITLE
Existing & Proposed
Roof Plans
DRAWING NO.
1776-P104
REVISION
B
SCALE
1:200 at A3
DRAWN
OT
CHECKED
AM
DATE
08/05/2018



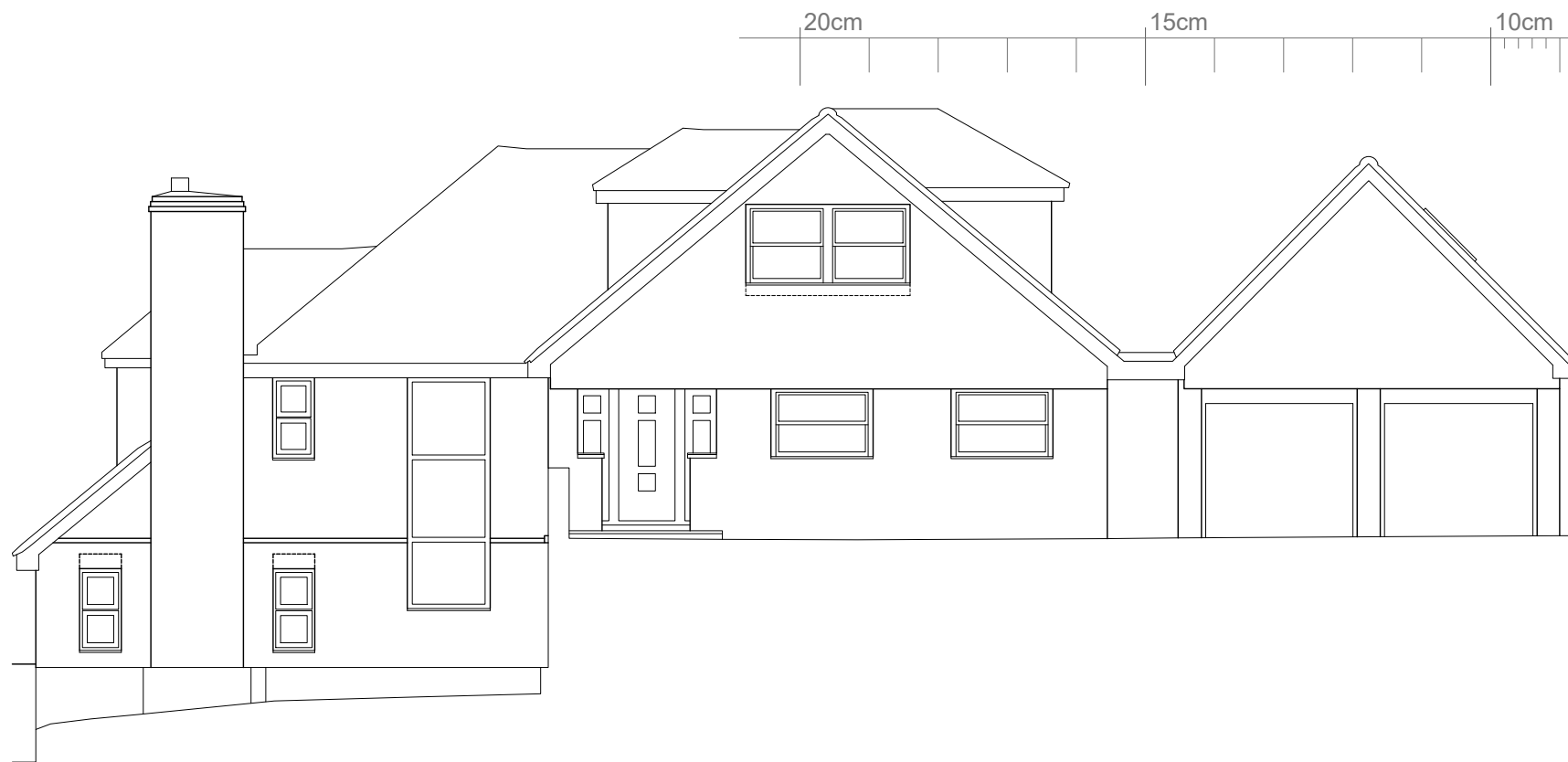
Existing Roof Plan



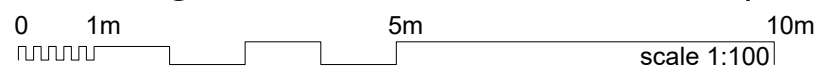
Proposed Roof Plan



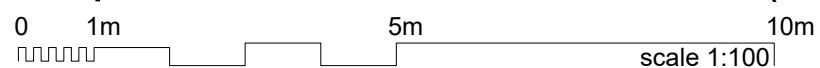
C7 Architects Ltd
PM House
Riverway Industrial Estate
Peasmarsh
Surrey
GU3 1LZ
E: info@c7architects.com
T: 01483 422 220
c7architects.com



Existing North West Elevation (Front)



Proposed North West Elevation (Front)



PROJECT
Saunders
ADDRESS
Gullfoss
The Glade
Kingswood
Tadworth
KT20 6JE
DRAWING TITLE
Existing & Proposed
Elevations
DRAWING NO.
1776-P301
REVISION
B
SCALE
1:100 at A3
DRAWN
OT
CHECKED
AM
DATE
09/05/2018



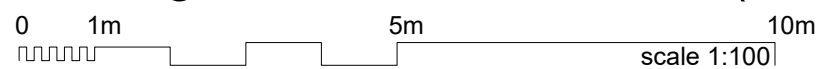
C7 Architects Ltd
PM House
Riverway Industrial Estate
Peasmarsh
Surrey
GU3 1LZ

E: info@c7architects.com
T: 01483 422 220

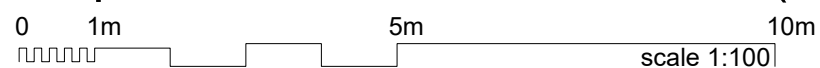
c7architects.com



Existing South West Elevation (Road Side)



Proposed South West Elevation (Road Side)



PROJECT
Saunders
ADDRESS
Gullfoss
The Glade
Kingswood
Tadworth
KT20 6JE
DRAWING TITLE
Existing & Proposed
Elevations

DRAWING NO.
1776-P302

REVISION
B

SCALE
1:100 at A3

DRAWN
OT

CHECKED
AM

DATE
08/05/2018



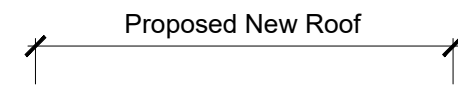
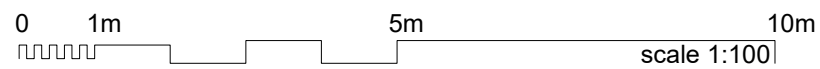
C7 Architects Ltd
PM House
Riverway Industrial Estate
Peasmarsh
Surrey
GU3 1LZ

E: info@c7architects.com
T: 01483 422 220

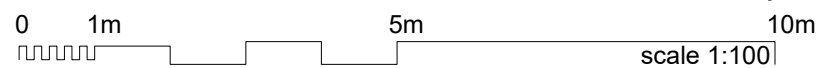
c7architects.com



Existing South East Elevation (Rear)



Proposed South East Elevation (Rear)



PROJECT
Saunders
ADDRESS
Gullfoss
The Glade
Kingswood
Tadworth
KT20 6JE
DRAWING TITLE
Existing & Proposed
Elevations

DRAWING NO.
1776-P303

REVISION
B

SCALE
1:100 at A3

DRAWN
OT

CHECKED
AM

DATE
08/05/2018



C7 Architects Ltd
PM House
Riverway Industrial Estate
Peasmarsh
Surrey
GU3 1LZ

E: info@c7architects.com
T: 01483 422 220

c7architects.com



PROJECT
Saunders
ADDRESS
Gullfoss
The Glade
Kingswood
Tadworth
KT20 6JE
DRAWING TITLE
Existing & Proposed
First Floor Plans

DRAWING NO.
1776-P103

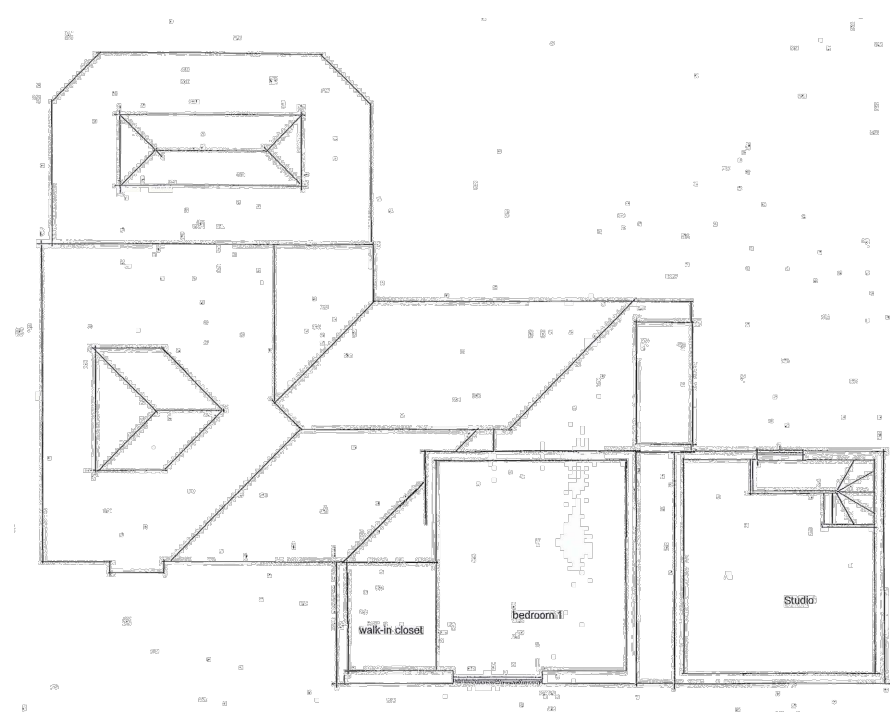
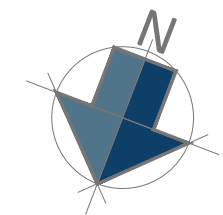
REVISION
B

SCALE
1:200 at A3

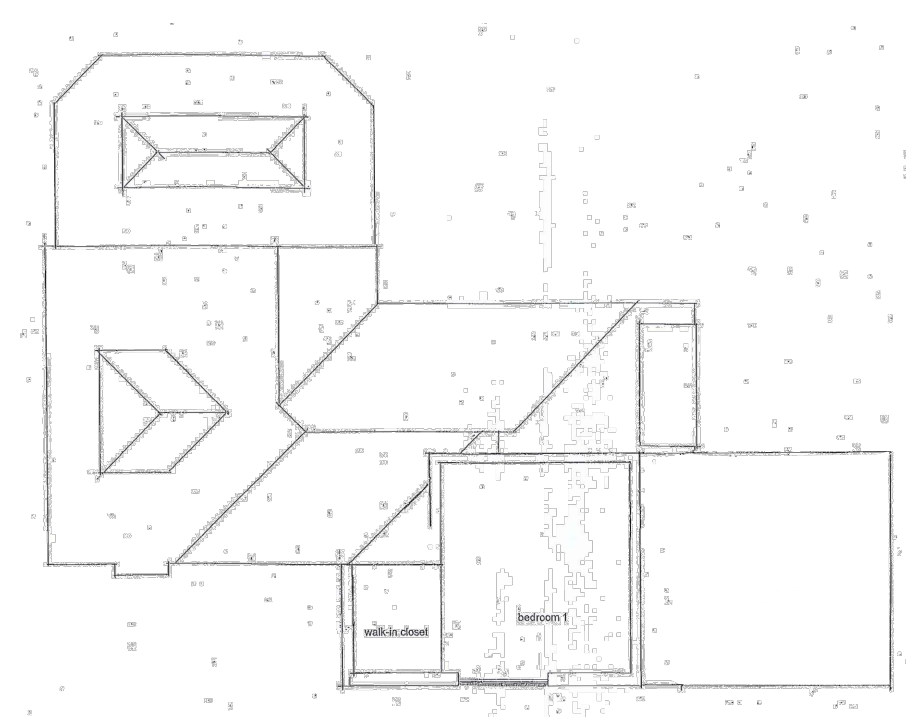
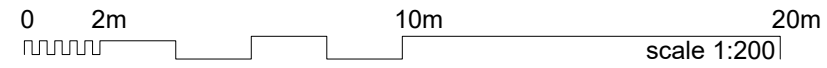
DRAWN
OT

CHECKED
AM

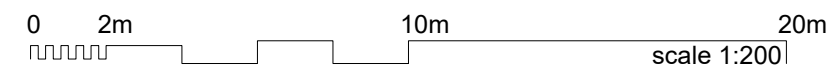
DATE
09/05/2018



Existing First Floor Plan



Proposed First Floor Plan



C7 Architects Ltd
PM House
Riverway Industrial Estate
Peasmarsh
Surrey
GU3 1LZ

E: info@c7architects.com
T: 01483 422 220
c7architects.com

Appeal Decision

Site visit made on 11 May 2017

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 May 2017

Appeal Ref: APP/L3625/C/16/3159408

Land at Gullfoss, The Glade, Kingswood KT20 6JE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Mark Saunders against an enforcement notice issued by Reigate and Banstead Borough Council.
 - The notice was issued on 19 August 2016.
 - The breach of planning control as alleged in the notice is without planning permission the unauthorised erection of an attached double garage side extension with accommodation in the roof in excess of dimension limitations as set out in the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as shown edged red on the attached plan.
 - The requirement of the notice is to remove the attached double garage side extension with accommodation in the roof in its entirety and restore the land to its former condition.
 - The period for compliance with the requirements is within three months of it coming into effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
-

Summary of Decision

1. The appeal is dismissed and the enforcement notice is upheld with a correction.

Preliminary Matter

2. The appellant objects to the issue of the notice, considering that an application for planning permission should have been entertained by the Council. However the Council explained that under powers in section 70C of 1990 Act as amended, it could decline to determine applications seeking permission for a breach of planning control, where an enforcement notice has been issued against the same development that the application is seeking to regularise. It also made clear that an appeal on ground (a) would enable the planning merits of the development to be considered.
 3. Accordingly I see nothing amiss in the issue of the notice, the expediency of which is essentially a matter for the Council. Nor is the reference to permitted development inappropriate, for it merely asserts that in the Council's view the development does not benefit from permission under the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
 4. The notice will however be corrected to reflect the proper title of this piece of legislation, using powers available to me under s176(1)(a) of the Act.
-

Ground (a) and the deemed application for planning permission

Main issue and reasons

5. The main issue on this ground is the effect of the development on the character and appearance of the host dwelling and surrounding area.
6. Gulfoss is one of a small group of three similar dwellings on the eastern side of The Glade, at the southern end adjacent to Outwood Lane. Amenity space lies to the south of the plot by Outwood Lane where several trees line the southern boundaries. To the east and south of the site on the other side of Outwood Lane is the boundary of the urban area where it meets the Green Belt and a designated Area of Great Landscape Value (AGLV).
7. The Reigate and Banstead Local Distinctiveness Design Guide 2004 (SPG) sets out that in Residential Areas of Special Character (RASC), which include the appeal site, new building should retain and enhance the existing landscape structure whilst not dominating the plot and, where possible, parking hard surfaces and garaging should not be visible from access roads. The SPG is underpinned by Policy Ho15 of the Reigate and Banstead Local Plan 2015 (LP) which among other matters requires development in RASC to maintain the existing visual predominance of tree cover and spacious gardens.
8. The appeal site benefits from two planning permissions 14/01224/HHOLD and 14/01227/HHOLD each permitting extensions at first floor level and to the rear on the southeast side. It is undisputed that neither of these permissions was in fact implemented. Instead the appellant decided to provide the extra accommodation sought by converting the double garage and erecting the unauthorised development, namely the replacement double garage that is attached to the west of the building between the side of the main house and the roadside, The Glade. This private road leads up from Outwood Lane in a north westerly direction and bends north-east at the point where the new garage has been erected in a prominent position alongside the road.
9. It is pointed out that what has been built is of a lesser mass and volume than either of the approved schemes and the replacement garage itself has a gabled pitched roof and tile hanging similar in design to the pre-existing garage. As I saw it, the unauthorised development is of a considerable bulk and mass and has extended the plot closer to The Glade. Its front elevation is in line with the main front elevation of the host dwelling and the increased width and bulk of the property, close to the road differs significantly from what was previously approved. As such it has had a harmful effect on the character of the RASC which is exemplified by tree-lined roads that mitigate the impact of the built form within the street scene. This effect is exacerbated by the new tarmac access to the west side of the plot. This has replaced an attractive grass verge with vegetation along the boundary, as can be seen in the photographs supplied of the pre-existing views of the appeal site.
10. Whilst I note the comparisons made with what could be erected under permitted development rights, the overall ridge height of the garage as erected would not benefit from such rights. Erected in such a prominent position as it has been, the height of the garage building appears comparable to that of the main dwelling and as such is a significant consideration set against the other comparisons. I therefore give this "fall-back" argument little weight.

11. Regard has been had to examples supplied of other garages nearby with accommodation in the roof space, that are said to be similar to what has been built. Several, if not most of the garages illustrated are integrated into the main roof form of the host dwelling and set well back from the road in spacious grounds, or else they appear subordinate to the main dwelling. They are not in my view comparable with the appeal site where the garage building is seen as a separate but competing form of development to its host. This is evident in the gable roof to the front where its height and scale seen from the road makes it appear as an overly dominant extension that reduces the spaciousness of the plot in which it sits.
12. The garage is said to provide a sound buffer to the main dwelling from road noise on The Glade and the extended drive makes it safer to access the house in icy conditions. That may be so but there are other means to insulate a dwelling from noise and improve the safety of an access, than to erect a structure that results in adverse effects on the character and appearance of the locality. The extra accommodation is not a factor that in my view outweighs those adverse effects, nor is the fact that the garage has the support of the neighbour who objected to the approved schemes, and other residents.
13. I conclude that the unauthorised double garage side extension with roof accommodation, by reason of its disposition within the plot, height, scale and overall mass and bulk is an overly intrusive form of development that unacceptably detracts from the pre-existing open character of the plot and the Residential Area of Special Character. For similar reasons it also harms the transitional setting of the adjacent Green Belt. The harm is substantial and contrary to SPG and Policies Ho9 (vii), Ho13 Ho15 and Ho16 of the Local Plan 2015. These policies aim among other matters to ensure extensions are properly integrated with the main dwelling and respect local character and distinctiveness.
14. The appeal on ground (a) therefore fails.

Conclusion

15. For the reasons given, and having regard to all other matters raised, I conclude that the appeal should be dismissed and I shall uphold the corrected enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act.

Formal Decision

16. It is directed that the enforcement notice is corrected as follows:
 - Delete "Oder" and replace with "(England) Order"
17. Subject to this correction the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Grahame Kean

INSPECTOR