 <p>Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate</p>	TO:		PLANNING COMMITTEE
	DATE:		08 February 2023
	REPORT OF:		HEAD OF PLANNING
	AUTHOR:		Matthew Holdsworth
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AGENDA ITEM:	9	WARD:	Chipstead, Kingswood and Woodmansterne

APPLICATION NUMBER:		22/01974/S73	VALID:	05/09/22
APPLICANT:	Mr and Mrs Brown		AGENT:	Gen-PLAN
LOCATION:	DORMER COTTAGE, THE CHASE, KINGSWOOD, KT20 6HY			
DESCRIPTION:	Demolition of existing two storey detached dwelling with attached garage blocks and construction of 1 detached dwelling and 2 semi-detached dwellings and associated access + associated works			
Demolition of existing dwelling; erection of a replacement five bedroom dwelling house with integral triple garage; formation of two new access points and erection of gate piers and gates. Variation of Condition 1 of permission 21/01562/F. Replace approved plans. The building has been positioned closer to the north-eastern side boundary than as shown on the approved site plan. It is necessary to vary the wording of condition 1 to supersede the approved site plan with an updated site plan.				

This application is referred to Committee by Councillor Parnall given the planning enforcement implications of the proposal and in order to assess the impact of the re-position of the new dwelling.

SUMMARY

The proposal is for the variation of condition 1 (the plans condition) of 21/01562/F to vary the position of the approved dwelling so that it is closer to the north-eastern boundary than previously approved. In addition, it is noted that two TPO oak trees have been removed to the rear of the site. No other changes to the design, mass, scale, or bulk of the dwelling are proposed. The works have commenced and the building is now at an advanced state of construction.

It is noted that whilst the position of the property is now around 4m from the boundary, this element of the property is largely single storey and is not dissimilar to other properties in The Chase and surrounding areas in that it is built relatively close to the boundary. It is noted that there is a mature laurel hedge along the boundary of at least 3m in height and it is considered that there would not be an adverse impact on the neighbouring property due to the distances involved, the retention of the hedge and the neighbouring property's deep footprint.

In addition, as noted above, there is not a significant issue in terms of spacing within the Residential Area of Special Character (RASC) and there is sufficient space for a visual gap and additional landscaping.

In terms of the removal of the two oak trees which were protected under a tree protection order (TPO); this has been subject to separate enforcement investigation. Unauthorised removal of protected trees is a serious matter which can result in criminal prosecution. Following the enforcement investigations, limited evidence has been established to identify the party responsible or that the trees did not present an immediate risk. It is therefore considered that an appropriate remedy in this case is to require the planting of 5 replacement oaks, each of advanced standard, 4.5m-5m in height. This has been submitted as part of this application and the tree officer has raised no objection to this proposal given the immediate and enduring impact they would have at not unsubstantial cost to the applicant.

RECOMMENDATION(S)

Planning permission is GRANTED subject to conditions.

Consultations:

Highway Authority: No objections

Tree Officer: The updated arboricultural report by JN Tree Consulting shows the new location of the dwelling in relation to the trees and based on this information there is an incursion into the RPA of one tree (T7), which is minimal and will not affect its stability. Two protected trees (T8 and T20) have been removed that were originally shown to be retained on the approved scheme, the reasons for their removal has been investigated and is claimed to have been as a result of their imminent risk. There is inconclusive evidence to the contrary or to identify the responsible party and therefore there is insufficient evidence to progress enforcement. To compensate for their removal the arboricultural report shows five large oaks to be planted in the area where the two felled oaks were located, and should the Committee be minded to approve this application they would be required to be planted during this planting season as a planning condition.

Kingswood Residents' Association: The structure presently under construction and which is the subject of this retrospective application, The KRA considers that the proposal fails to conform to policy DES1 paragraph 3 which requires due regard to the layout, density and the relationship to neighbouring buildings. Policy DES3 paragraph 3 requires that height, depth and elevations of the development respect the form of neighbouring buildings and the character of the RASC. The height of this development should be checked as it appears overly dominant. Policy DES1 paragraph 4 requires that development should not result in a harmful erosion of the spacing between buildings or lead to an over-dominance of the built form within the plot. The KRA also considers that this building clearly infringes both these requirements. For all the above reasons, the KRA objects to this application.

Representations:

Letters were sent to neighbouring properties on 07 September 2022. Ten letters of representation from local residents have been received raising the following concerns:

Issue	Number	Response
Overlooking and loss of privacy	10	See paragraphs 6.8-6.11
Overbearing	9	See paragraphs 6.8-6.11
Out of character	7	See paragraphs 6.3-6.7
Poor design	6	See paragraphs 6.3-6.7
Overdevelopment	7	See paragraphs 6.3-6.7
Loss of private view	4	Not a material planning consideration

1.0 Site and Character Appraisal

- 1.1 The site consists of a large plot with a substantial two storey building with rooms in the roof, along with attached garage and swimming pool complex property currently in advanced construction on the northwest side of The Chase in Kingswood. This follows the demolition of the previous building on the site. The site is situated within a Residential Area of Special Character with detached properties in spacious grounds, some of which are constructed relatively close to the boundaries.
- 1.2 There is a belt of protected trees to the rear of the site. Two of the trees have been removed and this has been subject to separate enforcement action. However, due to the scale of the plot, there are no trees of significance that would be affected by the variation of the position of the property although there is mature hedging to the boundaries. The site is relatively flat throughout.

2.0 Added Value

- 2.1 Improvements secured at the pre-application stage: None, as no pre-application advice was sought.
- 2.2 Further improvements could be secured: materials, tree conditions, obscure glazing, broadband condition, water and energy efficiency (as per the previous permission – 21/01562/F)

3.0 Relevant Planning and Enforcement History

- 3.1 21/01562/F - Demolition of existing dwelling; erection of a replacement five bedroom dwelling house with integral triple garage; formation of two new access points and erection of gate piers and gates – approved with conditions
- 3.2 20/02607/F - The construction of a 5 bedroom detached dwelling with integral triple garage following the demolition of the existing house and garage, along with the erection of two sets of entrance gates, and associated brick piers – refused
- 3.3 19/01838/F - Demolition of existing dwelling and detached garage and erection of 2 1/2 storey replacement dwelling with integral triple garage. New vehicular access and removal of existing pedestrian access. Existing external swimming pool retained with new single storey pool room. New entrance gates and piers – approved with conditions.
- 3.4 19/00246/F - Demolition of the existing dwelling, detached garage and outbuildings. Erection of two 2.5 storey dwellings with integral garages – refused and appeal dismissed.
- 3.5 17/02798/F - Demolition of the existing dwelling, detached garage and outbuildings. Erection of 2 No. 2 1/2 storey dwellings with integral garages with new vehicular access - refused and appeal dismissed.

- 3.6 17/00390/F - Demolition of existing dwelling and detached garage and erection of 2 and half storey replacement dwelling with internal triple garage. New vehicular access and removal of existing pedestrian access. Existing external swimming pool retained with new single storey pool room. New entrance gates and piers - approved with conditions.
- 3.7 14/01110/F - Demolition of existing dwelling and detached garage and erection of 2 and half storey replacement dwelling with internal triple garage. New vehicular access and removal of existing pedestrian access. Existing external swimming pool retained with new single storey pool room. New entrance gates and piers – approved with conditions.
- 3.8 14/00430/F - Demolition of existing dwelling and detached garage and erection of 2 and half storey replacement dwelling with internal triple garage. New vehicular access and removal of existing pedestrian access. Existing external swimming pool retained with new single storey pool room. As amended by letter dated 13/03/2014 - Refused - Appeal withdrawn.
- 3.9 13/02198/F - Demolition of existing dwelling and detached garage and erection of 2 and half storey replacement dwelling with internal triple garage. New vehicular access and removal of existing pedestrian access. Existing external swimming pool retained with new single storey pool room. New entrance gates and piles. As amended by letter dated 23/12/2013 - Withdrawn

4.0 Proposal and Design Approach

- 4.1 The proposal follows on from the previous application 21/01562/F which granted permission for the demolition of existing dwelling; erection of a replacement five bedroom dwelling house with integral triple garage; formation of two new access points and erection of gate piers and gates.
- 4.2 The application seeks to vary condition 1, the “plans condition” to move the dwelling 4.2m to the north east.
- 4.3 The original dwelling has been demolished and the new dwelling is currently under construction and therefore the application is retrospective in nature. However, it is important that this aspect is not given weight in the assessment of the planning merits of the case given existing alleged breaches of planning control are not material planning considerations and that planning enforcement is intended to be remedial rather than punitive.
- 4.4 All other aspects of the dwelling, in terms of its size, design, massing etc are as previously approved under 21/01562/F. The change that is being assessed by this application is the position of the building as constructed. The house is currently in an advanced state of construction and the building, including the dormers appears to be being built as per the plans being assessed under this application.

- 4.5 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.

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

Assessment	No design statement was submitted
Involvement	No community consultation took place.
Evaluation	The proposal is for the repositioning of the property 4.2m to the north east.
Design	The design of the dwelling, including the boundary gates is the same as previously approved.

- 4.7 Further details of the development are as follows:

Site area	0.4 hectares
Proposed parking spaces	4
Parking standard	3
Net increase in dwellings	0

5.0 Policy Context

5.1 Designation

Urban Area, The Glade and Chase Residential Area of Special Character (RASC)

5.2 Reigate and Banstead Core Strategy

CS1(Sustainable Development)
CS4 (Valued Townscapes and Historic Environment)
CS10 (Sustainable Development),
CS11 (Sustainable Construction),
CS15 (Affordable Housing)

5.2 Reigate & Banstead Development Management Plan 2019

Natural Environment	NHE3
Design, Character, and amenity	DES1, DES3, DES5, DES8
Transport, Access, and parking	TAP1

Climate Change resilience	CCF1
Infrastructure to support growth	INF3

5.3 Other Material Considerations

National Planning Policy Framework

Supplementary Planning Guidance

Surrey Design

Local Distinctiveness Design Guide

Householder Extensions and
Alterations

Other

Human Rights Act 1998

6.0 **Assessment**

6.1 The application site is situated within the urban area where there is a presumption in favour of sustainable development and where the principle of such development is acceptable in land use terms.

6.2 The main issues to consider are:

- Impact on local character
- Neighbour amenity
- Trees and landscaping
- Other matters

Impact on local character

6.3 The application seeks the variation of condition 1 of 21/01562/F to move the dwelling 4.2m to the north east. As already noted, the design, scale, bulk and massing of the building would not change from the building previously consented under 21/01562/F. The only change is to the position of the building.

6.4 The outstanding issue therefore is the impact on the character of the area and the wider RASC from the re-positioning of the application. The applicant has provided an amended street scene and an amended site layout in order to assess the proposal.

6.5 From the street scene, it is clear that the bulk of the property (the main house) is now situated more centrally within the plot with the ancillary part of the house (garaging and swimming pool) which is largely single storey with rooms in the roof to the side. A gap of 4.132m to the boundary with the adjacent property (Oak Cottage) would be maintained.

6.6 Concern has been raised in regard to the positioning of the property and the closeness to the boundary with Oak Cottage. There is a substantial laurel hedge of around 3m in height and of at least 4m in width along that boundary which appears to be shared with both properties. Whilst the gap to the boundary is less than previously approved, it is similar to other properties in the Chase

which have substantial single storey elements relatively close to the side boundaries. It is also noted that the property to the south west, Woodend, is situated 4.1m from the shared boundary and this is at two storey level.

- 6.7 It is considered therefore when assessing alongside the approved planning application that changes to the proposal in terms of the siting of the dwelling closer to the north-eastern boundary would not materially harm the character of the area or the wider RASC and therefore complies in this regard with both policies DES1 and DES3.

Neighbour amenity

- 6.8 The development that is under construction has been considered in terms of its potential impact on the amenities of the neighbouring properties. The previous application was not deemed to result in a relationship that would be harmful to neighbour amenity. The dwelling is the same size as the previously approved application both in terms of footprint and scale. The dwelling has moved further from the boundary with Woodend to the south west (11.6m from the boundary). In addition, there is a substantial hedge along the boundary. Whilst it is noted that the proposed dwelling would be significantly deeper than Woodend, due to the distances involved, there would be not a material increase in overshadowing to that property.
- 6.9 Turning to the property to the north east, Oak Cottage, that is approximately as deep as the two / three storey element of the proposed dwelling and this would ameliorate any significant overshadowing from the proposed dwelling. Whilst it is noted that the single storey element is deep due to the substantial hedge along the boundary and the distance between the two properties, this is not considered to be materially harmful.
- 6.10 It is noted that the dwelling has been moved closer to the boundary with Oak Cottage and is now between 4.1m (at the front) and 4.5m (to the rear) to the shared boundary. The element closest to the boundary is single storey in nature (with rooms in the roof above the garage). There is a mature and substantial laurel hedge along the boundary at a height of at least 3m. Whilst the building is being constructed closer to the boundary, it is not considered to give rise to a significant or material loss of amenity to Oak Cottage as it is considered that there is sufficient spacing between the two properties. The impact is further mitigated by the screening of the mature hedgerow. In addition, it is noted that the position of the building is similar to the refused application 20/02607/F which was refused on design grounds but was found satisfactory on amenity grounds.
- 6.11 As per the previous application, a condition relating to obscure glazing to first floor side facing windows has been imposed, and it is noted that the plans show privacy glass at 1.7m in height to the side of the balcony to the rear. The spacing between the dwellings given the size of the plot would be so sufficient that there would not be an issue in terms of the dwelling being overbearing or have a harmful impact on natural light to key amenity areas. The proposal therefore complies with policy DES1 in this regard.

Trees and Landscaping

- 6.12 The council's arboricultural officer has been consulted and his comments are as follows:
"The updated arboricultural report by JN Tree Consulting shows the new location of the dwelling in relation to the trees and based on this information there is an incursion into the RPA of one tree (T7), which is minimal and will not affect its stability. Two protected trees (T8 and T20) have been removed that were originally shown to be retained on the approved scheme, the reasons for their removal has been investigated and is claimed to have been as a result of their imminent risk. There is inconclusive evidence to the contrary or to identify the responsible party and therefore there is insufficient evidence to progress enforcement. To compensate for their removal the arboricultural report shows five large oaks to be planted in the area where the two felled oaks were located, and should the Committee be minded to approve this application they would be required to be planted during this planting season as a planning condition
- 6.13 The removal of the oaks at the rear of the garden is not due to the changing of location of the dwelling and was the subject of a separate planning enforcement investigation. This has found inconclusive evidence of either who the responsible party was or whether the felled trees did or did not pose any immediate risks. A submitted plan includes five replacement oak trees which are shown on the plans as being 4.5-5m in height and with a girth of 25-30cm. This is an advanced standard tree and will provide immediate and enduring benefit to compensate for the unauthorised felling of the two oaks. This is considered appropriate in terms of their size and location and a better outcome than could be secured through formal enforcement action/prosecution. In terms of the tree protection plan, this also protects the mature laurel hedge along the boundary.
- 6.14 In addition, in terms of the landscaping, a condition will be imposed in order to ensure additional landscaping to the front of the property and in order for the proposal to comply with the policies relating to the RASC. A submitted plan also includes the five replacement oak trees which are shown on the plans as being 4.5-5m in height and with a girth of 25-30cm. This is considered appropriate in terms of their size and location. This is an advanced standard tree and will provide immediate and enduring benefit to compensate for the unauthorised felling of the two oaks. Subject to these conditions being complied with, it is considered that the application complies in this regard with policy NHE3.

Other Matters

- 6.15 The application is a section 73 application varying the plans condition only, namely the site layout and the street scene plans. All other plans would remain as per the previous application. Therefore, it is considered pertinent to copy across the conditions from 21/01562/F in order that other matters such as the materials, landscaping and the need for obscure glazed side facing windows etc are as per the previous approval.

CONDITIONS

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

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.

Note: Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations. An application must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.

Plan Type	Reference	Version	Date Received
Tree Protection Plan	TPP04		23.10.2022
Floor Plan	009		07.06.2021
Elevation Plan	010		07.06.2021
Location Plan	101 A		23.09.2021
Proposed Plans	103 A		23.09.2021
Floor Plan	102 A		23.09.2021
Elevation Plan	104 B		23.09.2021
Proposed Plans	105 A		23.09.2021
Site Layout Plan	201		05.09.2022
Proposed street scene	205		05.09.2022

2. The proposed external materials shall be those as approved under 21/01562/DET03

Reason: To ensure that a satisfactory external appearance is achieved of the development with regard to Reigate and Banstead Development Management Plan policies DES1 and DES3.

3. The first floor windows and rooflights in the side elevations of the development hereby permitted shall be glazed with obscured glass which shall be fixed shut, apart from a top hung opening fanlight whose cill height shall not be less than 1.7 metres above internal floor level, and shall be maintained as such at all times.

Reason: To ensure that the development does not affect the amenity of the neighbouring property by overlooking with regard to Reigate and Banstead Development Management Plan 2019 policy DES1.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order, with or without modification) no extensions or roof extensions shall be erected other than those expressly authorised by this permission.

Reason: To control any subsequent enlargements in the interests of the visual and residential amenities of the locality with regard to Reigate and Banstead Development Management Plan 2019 policies DES1 and DES3.

5. Within two months of the date of this decision, the five advanced standard replacement oak trees shall be planted along with all related arboricultural matters, including arboricultural supervision, monitoring and tree protection measures are implemented in strict accordance with the approved details contained in the Tree Protection Plan and Arboricultural Method Statement 04 compiled by JN Tree Consultancy , dated 23rd October 2022

Reason: To ensure good arboricultural practice in the interests of the maintenance of the character and appearance of the area and to comply with British Standard 5837:2012 'Trees in Relation to Design, demolition and Construction - Recommendations' and policies NHE3 and DES1 of the Reigate and Banstead Development Management Plan 2019.

6. The development shall not be occupied until details of all other hard and soft landscaping is submitted to and approved in writing by the Local Planning Authority (LPA). These shall include frontage tree and hedge planting and any other existing or proposed, soft or hard, landscaping in the front garden area in order to create a more sylvan appearance, or adjacent to boundaries where appropriate, and shall include details of recued brick piers and hedge gap filling.

The soft landscape details shall include an establishment maintenance schedule for a minimum of 2 years, full planting specifications, planting sizes & densities. Upon implementation of the approved development all the landscaping works shall be carried out in strict accordance with the landscape details as approved, and these shall be completed, before building completion, occupation or use of the approved development whichever is the earliest, or as otherwise agreed in writing by the LPA.

All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations.

If any of the new or existing tree/s or hedge/s, detailed and approved under this condition, are removed, die, or become significantly damaged or diseased within 5 years of completion, it/they shall be replaced before the expiry of one calendar year, to a planting specification agreed in writing by the Local Planning Authority. The hedges detailed shall be retained at a minimum height of 1 metre, or if new, once grown to this height thereafter.

Reason: To ensure good landscape practice in the interests of the maintenance of the character and appearance of the area and to comply with policies DES1 and NHE3 of the Reigate and Banstead Development Management Plan 2019.

7. The dwelling within development hereby approved shall be provided with the necessary infrastructure to facilitate connection to a high speed broadband.

Unless otherwise agreed in writing with the Local Planning Authority, this shall include as a minimum:

- a) A broadband connection accessed directly from the nearest exchange or cabinet,
- b) Cabling and associated installations which enable easy access for future repair, replacement or upgrading.

Reason: To ensure that the development promotes access to, and the expansion of, a high quality electronic communications network in accordance with Policy INF3 of the Reigate & Banstead Development Management Plan 2019.

8. The development hereby approved shall not be first occupied unless and until a Water Efficiency Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how the development will ensure that the potential water consumption by occupants of each new dwelling does not exceed 110 litres per person per day,

The development shall be carried out in accordance with the approved details and any measures specific to an individual dwelling(s) shall be implemented, installed and operational prior to its occupation.

Reason: To ensure that the development supports the efficient use of resources and minimises carbon emissions with regard to Policy CS10 of the Reigate & Banstead Core Strategy 2014 and Policy CCF1 of the Reigate & Banstead Development Management Plan 2019.

INFORMATIVES

1. 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 bowzers 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.

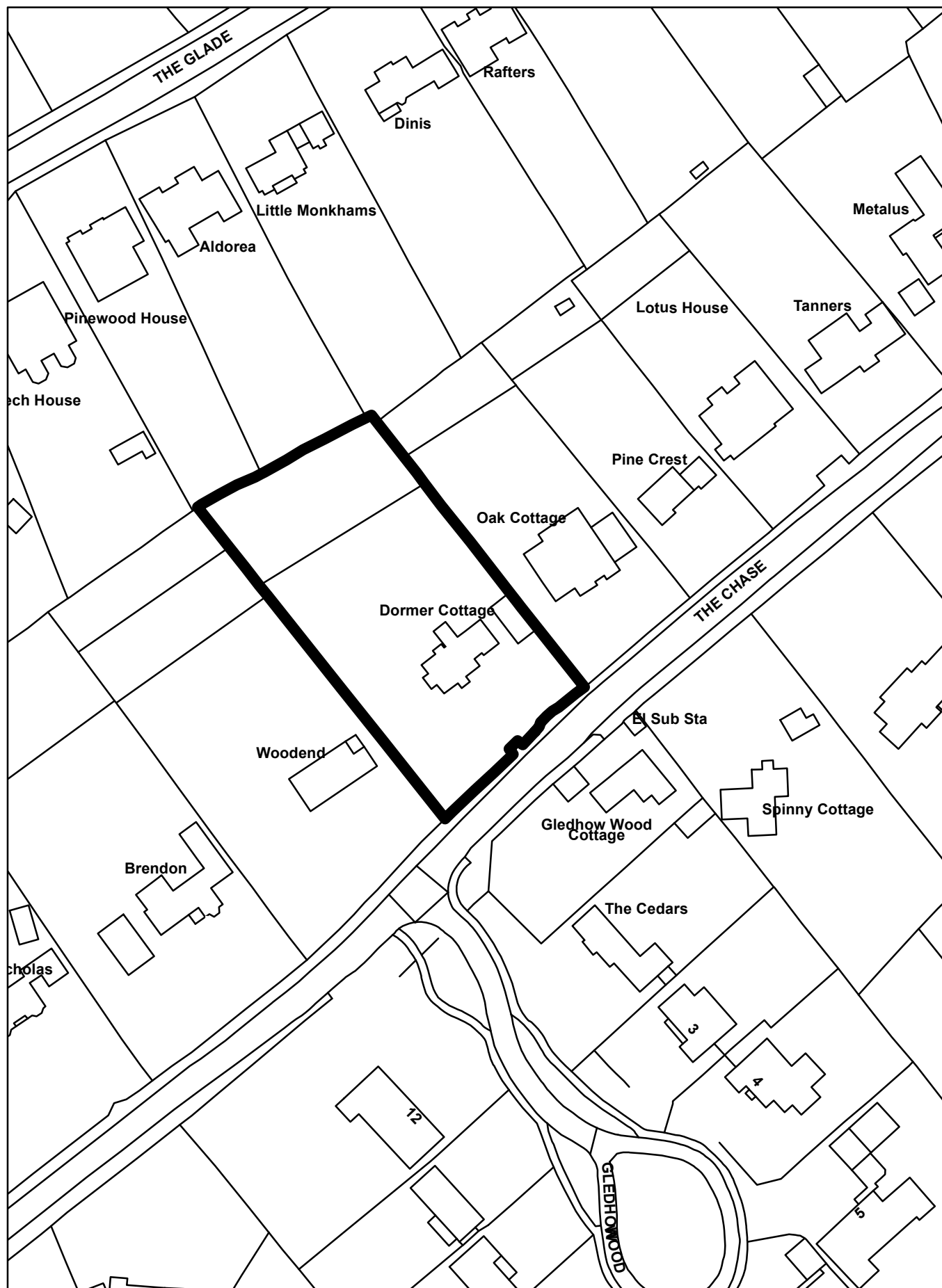
2. Your attention is drawn to the safety benefits of installing sprinkler systems as an integral part of new development. Further information is available at www.firesprinklers.info.
3. The use of a suitably qualified arboricultural consultant is essential to provide acceptable submissions in respect of the arboricultural tree condition above. All works shall comply with the recommendations and guidelines contained within British Standard 5837

REASON FOR PERMISSION

The development hereby permitted has been assessed against development plan policies DES1, DES3, DES5, DES8, TAP1, NHE3, CCF1, INF3, and 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.

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.

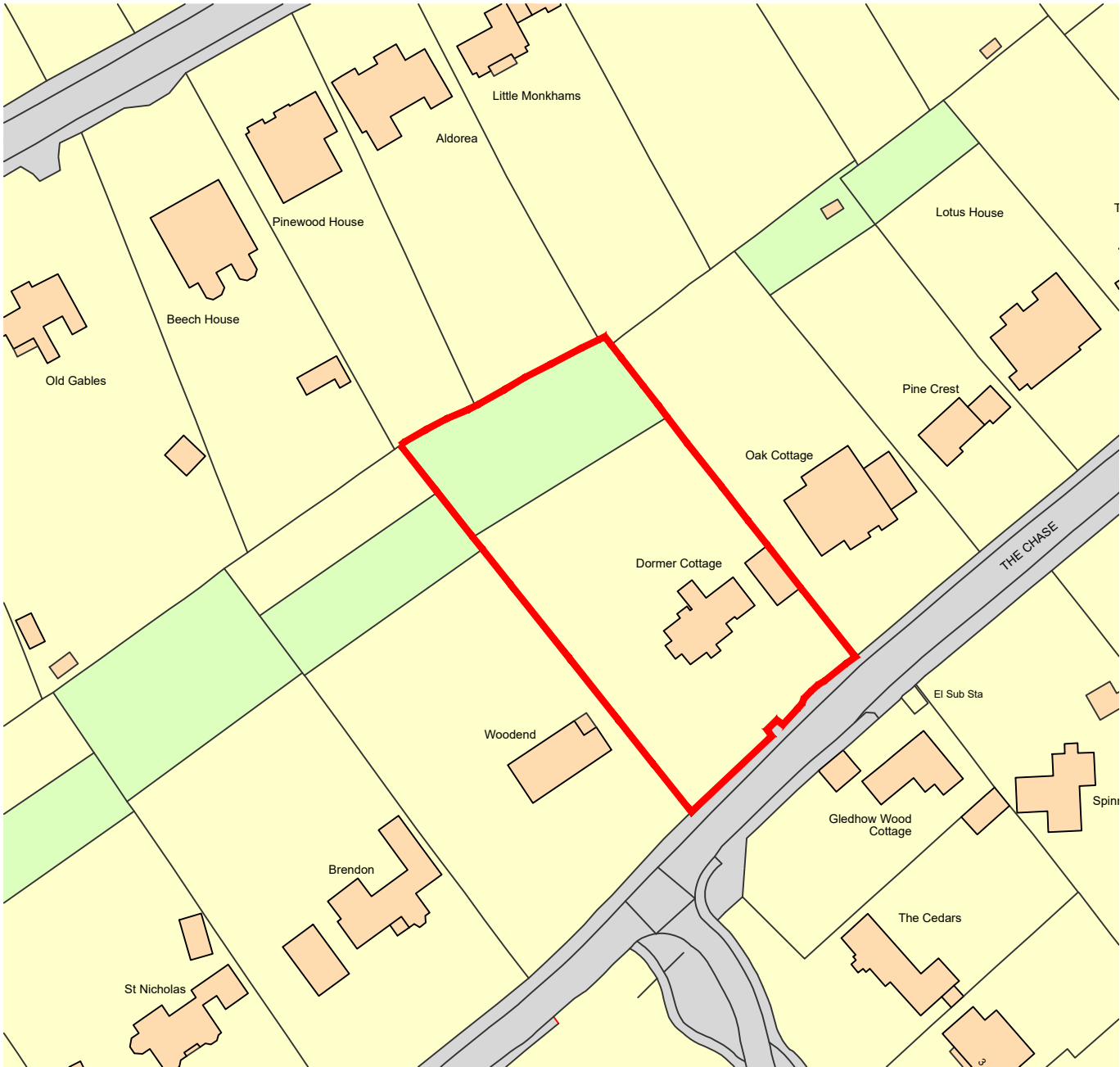
22/01974/S73 - Dormer Cottage, The Chase, Kingswood



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Rev.	Date	Detail



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Location Plan
1:1250 at A1



ICONIC

ARCHITECTURAL DESIGN

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arb

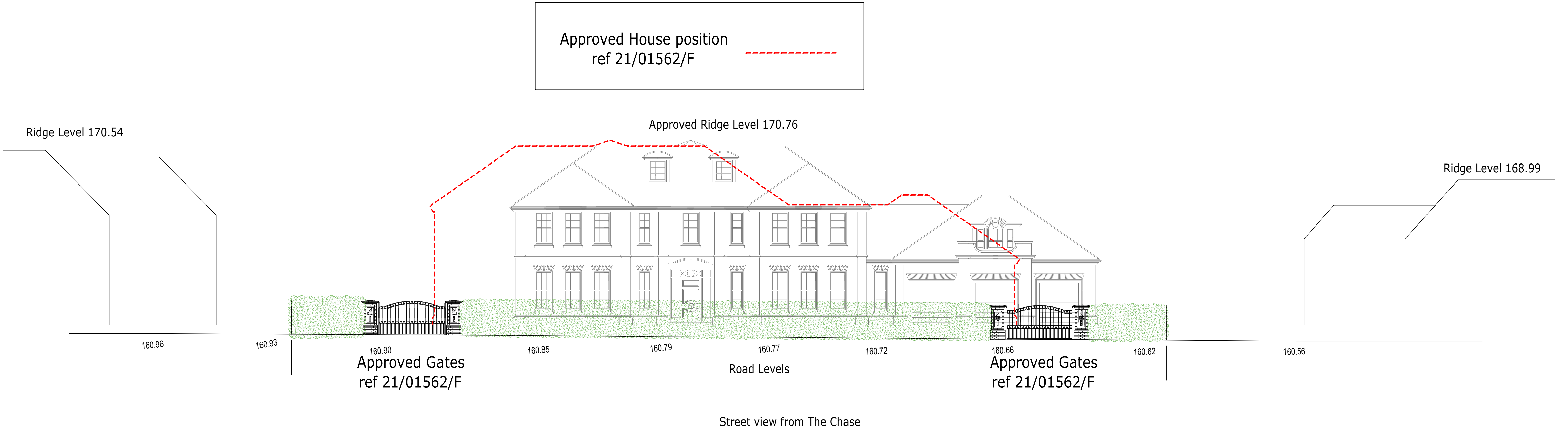
Architects
Registration
Board

RIBA

Chartered Practice

Client				Project Title				Drawing Title			
Mr & Mrs Brown				Dormer Cottage The Chase Kingswood, Surrey KT20 6HY				Site Plan			
Dwg No.	2020	P	491	201	Scale	1:200 & 1:1250 at A1	Date	Aug 2022	Drawn	Andrew Long	

Rev.	Date	Detail



Datum 155.00

Datum 155.00