 <p>Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate</p>	TO:	PLANNING COMMITTEE
	DATE:	7 th February 2024
	REPORT OF:	HEAD OF PLANNING
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AGENDA ITEM:	7	WARD: Lower Kingswood Tadworth and Walton

APPLICATION NUMBER:	23/02185/HHOLD	VALID:	23/10/2023
APPLICANT:	Mr Jonny Firth	AGENT:	ET Planning
LOCATION:	EMERALD PLACE, DORKING ROAD, WALTON ON THE HILL, KT20 7TN		
DESCRIPTION:	Proposed use of an existing outbuilding as an ancillary annexe (part retrospective due to minor modifications to outbuilding). As amended on 18/12/2023 and on 19/12/2023.		
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 is referred to Committee by Cllr Ashford due to the planning history and public interest.

SUMMARY

The proposal is a householder planning application for the proposed use of an existing outbuilding as an ancillary annexe. The application is part retrospective because the existing outbuilding does not benefit from planning permission nor meet the criteria for permitted development.

The application site is occupied by a large, three storey, detached house set within a generous plot accessed off a private single-track lane that branches off from Dorking Road. The property is set back from the road and its curtilage is lined with mature trees and hedged boundaries. The site lies within Walton on the Hill Conservation Area and Residential Area of Special Character, typified by mainly low density, substantial sized dwellings typically of arts and crafts architecture, set in spacious grounds, where landscaping is an integral part of the character of the area with a predominance of trees and hedges over buildings. There are no protected trees by way of Tree Preservation Orders on the site. The site is relatively flat but slopes down from the dwelling to where the outbuilding is situated.

The application follows on from the submission and grant of a certificate of lawfulness for a broadly similar scheme in 2019 (Reference: 19/02208/CLP). The 2019 scheme, as proposed, was permissible under permitted development at the time and comprised

two rectangular-in-plan outbuildings which formed a T-shape adjoined by a narrow 1.2m long glass 'link'. In footprint terms, the current application is similar, however the glass link is fully infilled so the footprint is enlarged slightly in this application. The structure also shares the same ridge height of 4 metres, however the roof form is altered from dual-pitched to a part pitched part flat 'bird table' roof form and the eaves heightened from 2.5m to 3m. It should also be noted that the 2019 scheme related to a structure for incidental use, specifically as gym and study space, however the current scheme is for ancillary use as an annexe. As the current structure was not built in accordance with that permissible under permitted development, it is unauthorised, hence being the subject of this application. The application therefore falls to be considered on its planning merits against adopted development plan policies.

The structure is reasonably well designed, set-back and not prominently visible from public views. It is not dissimilar in its impact to that which would ordinarily be permitted development and it does not have a harmful impact upon the character and appearance of the surrounding area due to its discrete siting. The application site boundary is lined with dense hedges and mature trees, and it is not considered that the structure, or its use, gives rise to an unacceptable impact on the amenities enjoyed by neighbouring occupiers in this case.

RECOMMENDATION

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

Consultations:

Banstead Common Conservators: No response received.

Conservation Officer: The structure appears to have been in place since before the designation of the Conservation Area. The building is set back and not visible from the adjoining heath due to the belt of trees and whilst birds table roofs would generally be avoided in Conservation Areas, the end gable does not appear to be publicly visible and has the advantage of a lower roof form. Therefore, whilst the extent of built form is more than would normally be acceptable in such a location in a Conservation Area this was established before the Conservation Area and the variation in the roof form is not considered harmful. I therefore have no objection from a conservation viewpoint.

Earlswood Neighbourhood Services: No response received.

Tadworth & Walton Residents Association: The TWRA has reconsidered the latest version of the application to use the accommodation, originally intended as a gymnasium, ancillary to the residential use of the principal building Emerald Place. It considers that the current application continues to show that the annex is to be used primarily as separate, self contained residential accommodation and consequently cannot be considered permitted development.

Therefore the TWRA believes that the application should be refused.

Walton Village Forum: No response received.

Representations:

Letters were sent to neighbouring properties on 1 November 2023 and on 20 December 2023 following receipt of amended plans. A site notice was also posted on 8 November 2023. 4 letters of representation from local residents have been received raising the following concerns:

Issue	Number	Response
Drainage/sewage capacity	1	See paragraph 6.17
Flooding	1	See paragraph 6.17
Inadequate parking	1	See paragraph 6.18
Loss of private view	1	Not a material planning consideration
No need for the development	1	Not a material planning consideration
Noise and disturbance	1	See paragraphs 6.13 – 6.14
Harm to Conservation Area	2	See paragraphs 6.8 – 6.9
Out of character with surrounding area	3	See paragraphs 6.5 – 6.9
Overbearing relationship	1	See paragraphs 6.13 – 6.14

Overdevelopment	3	See paragraphs 6.6 – 6.9
Overlooking and loss of privacy	2	See paragraphs 6.13 – 6.14
Poor design	2	See paragraphs 6.5 – 6.9

1.0 Site and Character Appraisal

1.1 The application site is occupied by a large, three storey, detached house set within a generous plot accessed off a private single-track lane that branches off from Dorking Road. The property is set back from the road and its curtilage is lined with mature trees and hedged boundaries. The site lies within Walton on the Hill Conservation Area and Residential Area of Special Character, typified by mainly low density, substantial sized dwellings typically of arts and crafts architecture, set in spacious grounds, where landscaping is an integral part of the character of the area with a predominance of trees and hedges over buildings. There are no protected trees by way of Tree Preservation Orders on the site. The site is relatively flat.

2.0 Added Value

2.1 Improvements secured at the pre-application stage: The applicant did not approach the Council for pre-application advice therefore the opportunity to secure improvements did not arise. The application has followed from enforcement investigation and planning history below.

2.2 Improvements secured during the course of the application: No improvements were considered necessary as the proposed development is considered acceptable.

2.3 Further improvements could be secured: A condition stipulating that the structure shall not be occupied at any time other than for purposes ancillary to the residential use of the main property occupying the application site would be attached to prevent the creation of an additional dwelling.

3.0 Relevant Planning and Enforcement History

3.1	23/01117/CLP	Extension, alterations and the conversion of an existing outbuilding to a residential annexe	Refused 8 th September 2023
3.2	19/02208/CLP	Proposed outhouse for gym and ancillary rooms.	Permitted Development 6 th January 2020
3.3	16/01794/HHOLD	Removal of existing single storey conservatory and replacement with single storey side extension and	Approved with conditions 26 th September 2016

two-storey rear extension along with alterations to the existing dwelling

4.0 Proposal and Design Approach

4.1 This is a part retrospective householder planning application for the retention of an existing outbuilding to be used as an annexe. The structure broadly correlates in built form to a proposed scheme which was permissible in 2019 as it met criteria for permitted development at the time. The structure has been subject to some design alterations from that considered such that it would not meet the criteria for permitted development in its current form or with its proposed use. The structure is sited northeast of the main property towards the north-eastern corner of the plot. The structure is single storey, T-shape in plan, and features a porch at its western flank. It features a crown roof, with a ridge height measuring 4 metres and height to eaves measuring 3 metres. It is proposed for the structure to be used as an ancillary annexe with shared access/parking, garden area, postal address and utilities. The submitted floor plan includes the provision of a bedroom, bathroom, office, lounge, dining and kitchen area. The roof of the structure is finished with red plain tiles and the external walls are finished in white render with low-level facing brickwork skirting.

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

Assessment	A planning, design and access statement was submitted in support of the application. The document sets out the planning history, site observations, and context of wider area including pattern of development, planning appeal case law, Conservation Area character appraisal, planning policy context.
Involvement	It is not stated that any community involvement or consultation has taken place.
Evaluation	The document outlines what material planning considerations have been considered and that the proposal would comply with the relevant local and national planning policies and guidance. The document also provides appeal decisions relating to 'ancillary' status of structures.
Design	The applicant's reasons for choosing the overall built-form proposed is informed by the certificate of lawful development granted in 2019 and is considered to be subservient to the main dwelling. The material palette is considered to be sensitive and sympathetic in design.

4.3 Comparison of the permitted development allowances versus that constructed are as follows:

	Permitted Development	As built/subject to this application
Total Height with dual-pitch roof	4 metres	N/A
Overall height without dual pitch roof	3 metres	4 metres
Height to eaves	2.5 metres	3 metres
Use	Incidental to dwellinghouse	Ancillary to dwellinghouse

5.0 Policy Context

5.1 Designation

Urban Area
Walton on the Hill Conservation Area
Walton on the Hill Residential Area of Special Character

5.2 Reigate and Banstead Core Strategy

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

5.3 Reigate & Banstead Development Management Plan 2019

DES1 (Design of new development)
DES3 (Residential Areas of Special Character)
NHE9 (Heritage Assets)

5.4 Other Material Considerations

National Planning Policy Framework	
National Planning Practice Guidance	
Supplementary Planning Guidance	Local Character & Distinctiveness Design Guide SPD 2021
Other	Human Rights Act 1998 Community Infrastructure Levy Regulations 2010

6.0 Assessment

6.1 The main issues to consider are:

- Design, character and heritage
- Neighbour amenity
- Other matters

Design and Character

- 6.2 Policy DES1 of the Development Management Plan 2019 (DMP) expects development proposals to promote and reinforce local distinctiveness and respect the character of the surrounding area, including positive physical characteristics of local neighbourhoods and the visual appearance of the immediate street scene. Development proposals should have due regard to the layout, density, plot sizes, building siting, scale, massing, height, and roofscapes of the surrounding area, the relationship to neighbouring buildings, and important views into and out of the site.
- 6.3 Policy DES3 of the DMP expects development proposals to ensure the characteristics of Residential Areas of Special Character (RASC) are retained, protected and enhanced. The specific characteristics of RASCs include a prevailing low density character, with detached buildings set back from the road, within wide, spacious plots, and with mature soft landscaping, wide verges and a general leafy character.
- 6.4 Policy NHE9 of the DMP expects development proposals within a Conservation Area to preserve, and where possible, enhance the Conservation Area, paying particular regard to those elements that make a positive contribution to the character of the Conservation Area and its setting, and the special architectural or historic interest of the area.
- 6.5 The structure broadly correlates in built form to a 2019 scheme which was permitted development at the time (19/02208/CLP). However the structure has not been constructed in accordance with that considered in 2019 such that it does not meet the criteria for permitted development in its current form or its proposed use, thereby requiring planning permission. The structure is sited northeast of the main property towards the north-eastern corner of the plot. The structure is single storey, T-shape in plan, and features a porch at its western flank. It features a crown roof, with a ridge height measuring 4 metres and height to eaves measuring 3 metres. It is proposed for the structure to be used as an ancillary annexe with shared access/parking, garden area, postal address and utilities. The submitted floor plan includes the provision of a bedroom, bathroom, office, lounge, dining and kitchen area. The roof of the structure is finished with red plain tiles and the external walls are finished in white render with low-level facing brickwork skirting. The overall form and material palette of the structure is in-keeping with the main property and does not conflict with the Council's supplementary planning document, Local Character and Distinctiveness Design Guide 2021 in this regard.
- 6.6 In terms of the principle of an annexe at this location, it is noted that the annexe is substantial, with a footprint of 91sqm. However, there is no definitive size criteria regarding what constitutes an annexe and it requires a judgement, including consideration of the existing dwelling's characteristics and size. The

main dwelling and plot are of significant size, the new building does not dominate the plot, is set-back and the annexe would not be significantly larger in-built form than approved scheme in 2019. It is considered important to impose a condition requiring the annexe to remain ancillary to the main dwelling house to avoid the subdivision of the site and consequent potential harm to the character of the RASC (discussed below).

- 6.7 Annex 5 of the DMP summarises the key characteristics of the Walton on the Hill RASC and for the purposes of DMP policy DES3, it is not considered that the proposed annexe adversely impacts on the characteristics of the RASC to an extent of warranting refusal. The existing street context would not be adversely impacted as the verdant, leafy, plot frontages and boundary treatment is to be retained and the structure is well-set back, not prominently visible from public viewpoints, including the public footpath running to the south. The building is discretely sited, is not of an inappropriate design and is constructed using materials in keeping in appearance with the material palette which characterises the local distinctiveness of the borough. Although relatively sizeable in footprint terms for an outbuilding, it is not considered disproportionate relative to the scale of the main property and curtilage size. It is not considered that the current proposal results in a harmful erosion of the spacing between buildings or leads to an over- dominance of the built form within the plot relative to that scheme. The structure is set in from the plot boundaries and the verdant, dense mature hedges and trees which line the curtilage would not be adversely impacted. No plot sub-division is proposed and as mentioned above, the development would be conditioned to remain ancillary with any grant of planning permission.
- 6.8 The application site is located within the Walton on the Hill Conservation Area. For the purposes of DMP policy NHE9, the Council's Conservation Officer was consulted for comment on the scheme. No objections were raised from a conservation viewpoint. Planning history, photographs and mapping data indicate that construction works associated with the approved scheme had commenced prior to the Conservation Area boundary change to include the application site in 2021. In addition, the building is set back and not visible from the adjoining heath due to the belt of trees. The use of a 'bird table' (crown) roof is unpreferable however given the end gable does not appear prominently visible and has the advantage of lowering the roof form, it is considered acceptable. The Conservation Officer concludes stating that "whilst the extent of built form is more than would normally be acceptable in such a location in a Conservation Area this was established before the Conservation Area and the variation in the roof form is not considered harmful."
- 6.9 Overall, the design alterations to the structure are considered to be in-keeping with the local distinctives of the borough and the appearance of the main property. The low visibility and discreet siting of the structure overcome the shortfalls in design in regards to the Conservation Area.
- 6.10 Accordingly, it is considered that the proposal would cause no significant harm with regards to the design and character of the area, including the Walton on the Hill Conservation Area and RASC, and would be acceptable in this regard.

Neighbour amenity

- 6.11 Both policy DES1 of the DMP and the supplementary planning guidance on householder extensions and alterations, expect any proposal, amongst other things, to provide an appropriate environment for future occupants whilst not adversely impacting upon the amenity of occupants of existing nearby buildings.
- 6.12 The structure is sited towards the north-eastern corner of the plot. It is considered necessary to assess the impact on the amenities enjoyed by the adjacent neighbours sited east, Walton House, and two adjoining neighbouring plots sited north, The Plantation and Carmodale. Due to the separation distances from other neighbouring properties/plot boundaries, it is not considered that the proposed development would impact the amenities of other neighbouring properties.
- 6.13 Considering Walton House first, the annexe is set 1.65 metres in from the shared plot boundary and sited 9.4 metres away from this neighbour's property at its closest point. The structure is single storey, measuring 3 metres in height to the eaves and 4 metres height to ridge. During a site visit, it was observed that the plot boundary shared with this neighbour is lined with dense, mature hedging and trees. Due to the separation distances, single storey nature and extant boundary screening, it is not considered that the structure appears dominant, overbearing or gives rise to an unacceptable loss of light or outlook to this neighbouring property. The annexe features clear glazed fenestration which faces towards this neighbour's property and garden space. However, the features are at ground floor level and it is not considered reasonable or necessary to condition single storey level windows to be obscured when views towards this neighbouring property would not exceed that of standing in the garden space and due to the presence of dense vegetation exceeding the overall height of the structure. As such, it is not considered that the building gives rise an unacceptable degree of overlooking or loss of privacy to this neighbour. Whilst the structure may incur a degree of noise and disturbance through its use, due to its residential nature ancillary to the main property, the increase in noise and disturbance is not considered to be unacceptable in this part of the garden space and need not be any more significant than a permissible incidental use (such as a games room or gym) would be.
- 6.14 Turning to the properties sited north, The Plantation and Carmodale, the structure is sited beyond the rear extents of these neighbour's plots, well-distanced from these properties. The structure would be 31 metres from the rear extent of The Plantation and 33 metres from Carmodale. The structure is set 1.8m in from the shared boundary with The Plantation. The plot boundary with this neighbour is similarly lined with trees and an internal 2-metre-tall boundary fence. Due to the separation distances, single storey nature and extant boundary screening, it is not considered that the structure appears dominant, overbearing or gives rise to an unacceptable loss of light or outlook to the neighbouring properties sited north. North facing fenestration would be limited to two high-level rooflights which would afford an outlook limited to oblique views of the sky/trees. As such, it is not considered an unacceptable

degree of overlooking or loss of privacy would arise. Whilst the structure may incur a degree of noise and disturbance through its use, due to its residential nature ancillary to the main property, the increase in noise and disturbance is not considered to be unacceptable in this part of the garden space.

- 6.15 Consequently, whilst giving rise to a degree of change in the relationship between buildings, the proposed development would not have an unacceptable impact on the living conditions of neighbouring occupiers and hence complies with policy DES1 of the DMP.

Other considerations

- 6.16 Concerns have been raised relating to the prospect of the structure forming a new self-contained living unit separate from Emerald Place. Granted, the structure as proposed may contain the appropriate facilities for independent, domestic living. However, such is the case with many annexes. The key factors which consolidate that the structure would remain ancillary to the main dwelling include shared utilities, postal address and lack of separate curtilage or access/parking arrangements. The submitted planning, design and access statement states that the structure is physically and visually connected through proximity, curtilage and access and is reliant on the main dwelling for gas, electric and water. A condition stipulating that the structure remains ancillary to the main property, Emerald Place, would be attached with any grant of planning permission. If in future, the owner/occupier wishes to change the use of the annexe extension i.e. create a separate residential unit which is not ancillary to the main dwelling, then this would require planning permission.
- 6.17 Concerns have also been raised relating to the drainage/sewage capacity and flooding. The application site lies within Flood Zone 1 and within an area of very low risk of surface water flooding. Due to the scale of the development, a flood risk assessment is not necessary. The submitted information also states that the annexe would be connected to the main water supply. It is therefore not considered that the proposed development would give rise to adverse impacts on flood risk or drainage/sewer capacity.
- 6.18 Concerns have also been raised relating to inadequate parking provision. Due to the scale and nature of proposal, and the ancillary nature of the resultant structure, it is not considered that the structure would give rise to a substantial increase in vehicular movements on the site. The existing property features two garages and a generous drive-way with plentiful provision for off-street parking. The annexe provides an additional bedroom to the existing 5 and the resultant property would not contravene the Council's parking standards. It is not therefore considered that there would be an overspill of cars onto the street or any harmful impacts to the highway network and safety of road users in this case.
- 6.19 The unauthorised nature of the development and route to arriving at this application should be given limited weight, as should comparisons drawn with other cases elsewhere, whilst property boundary disputes are not material.

CONDITIONS

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

Plan Type	Reference	Version	Date Received
Location Plan	6119 OS 01p1		23.10.2023
Floor Plan	6119 / 05p3		13.10.2023
Floor Plan	6119 / 08p3		18.12.2023
Elevation Plan	6119 / 06p2		19.12.2023

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.

2. The development hereby permitted shall not be occupied at any other time other than for the purposes ancillary to the residential use of the main dwelling occupying the application site.

Reason: To ensure that the development is occupied as ancillary to the dwelling and in the interests of the residential amenities of the locality with regard to Reigate and Banstead Development Management Plan 2019 policies DES1 and DES3.

INFORMATIVES

1. The development hereby permitted is permitted on the basis that the use of the annexe shall be for purposes ancillary to the residential use of the main dwelling occupying the application site and not as a separate residential unit.

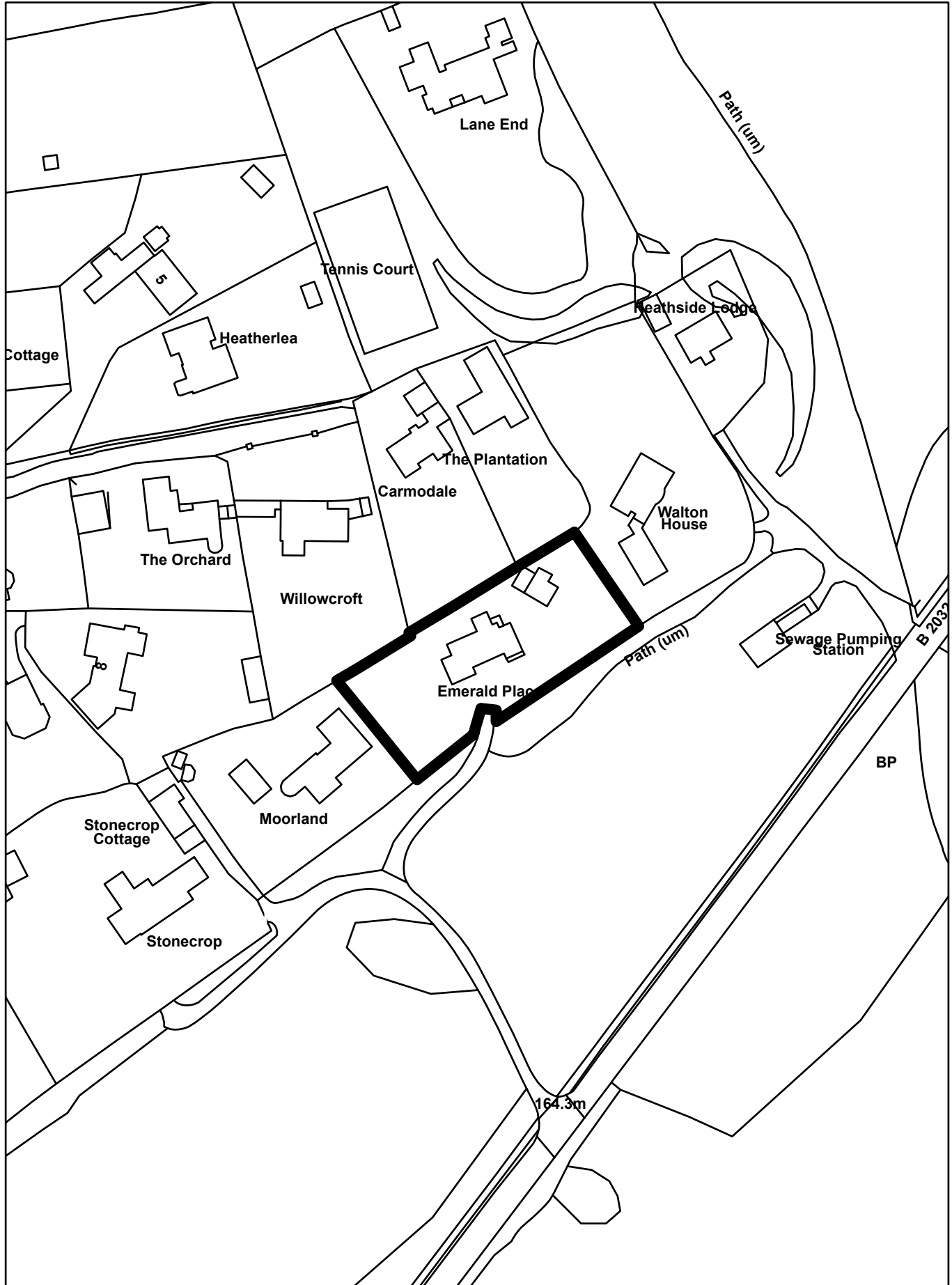
REASON FOR PERMISSION

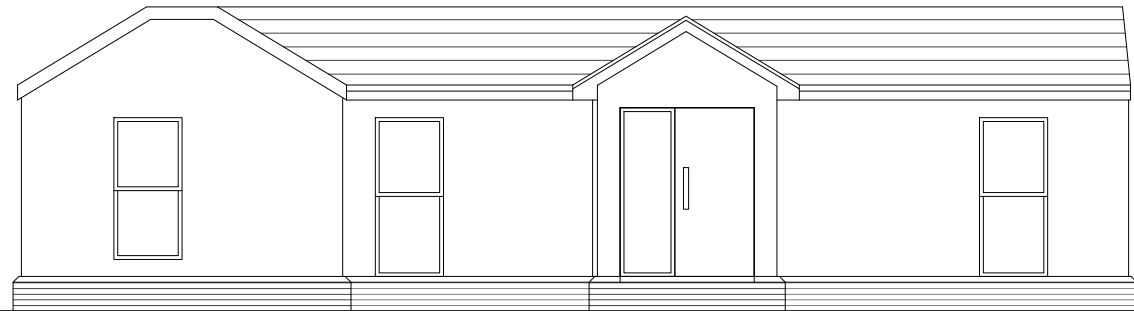
The development hereby permitted has been assessed against development plan policies DES1, DES3 and NHE9 and material considerations, including third party representations. It has been concluded that the development is in accordance with the development plan and there are no material considerations that justify refusal in the public interest.

Proactive and Positive Statements

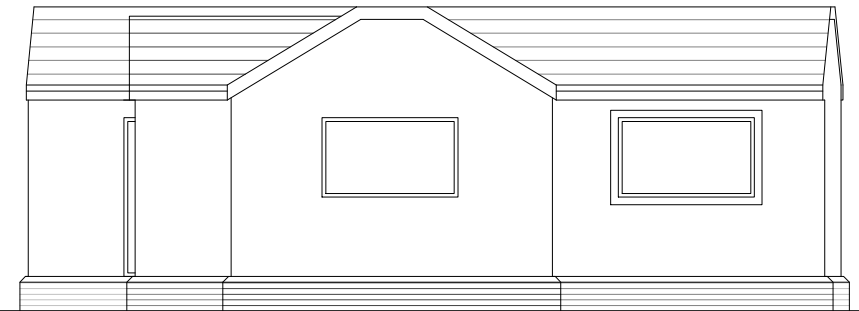
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

23/02185/HHOLD - Emerald Place, Dorking Road,
Walton On The Hill

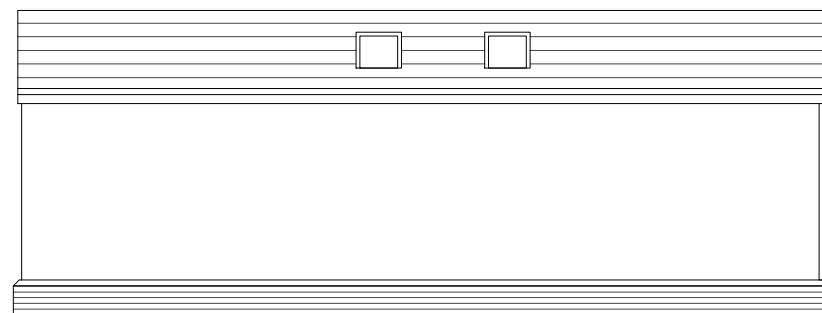




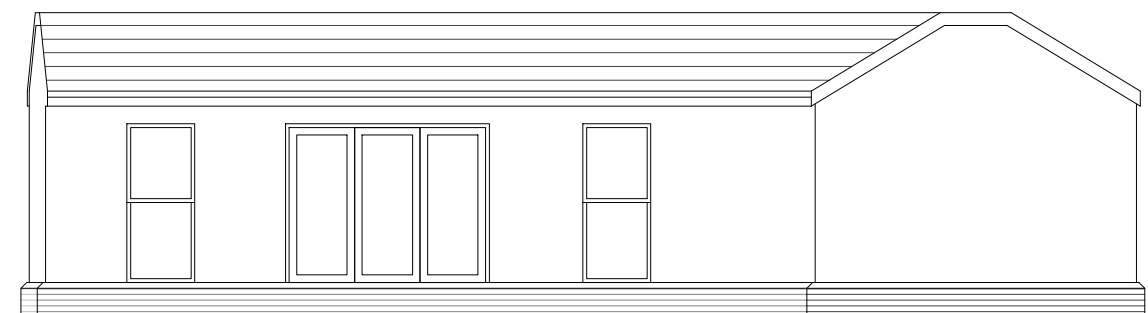
WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION

