

<b>Application Number and Registration Date</b>	<b>MO/2019/0537 (Variance of Conditions) 08-Apr-2019</b>
<b>Applicant</b>	<b>Mr J Young</b>
<b>Case Officer</b>	<b>David Webb</b>
<b>Amendments /amplifications</b>	
<b>Committee Date</b>	<b>4 September 2019</b>
<b>Ward(s)</b>	<b>Dorking South</b>
<b>Proposal</b>	<b>Variation of Condition 2 of approved planning permission MO/2017/2147 for the variation of Condition 2 of approved permission MO/2017/0083 for erection of 1 No. new dwelling adjacent to existing dwelling, in order to allow submission of revised plans relating to increase in size of basement, change to roof and cladding materials, and amendment to north elevation, to allow further alterations to windows, a door and external steps to basement.</b>
<b>Site Description</b>	<b>52, Deepdene Avenue, Dorking, Surrey, RH5 4AE</b>

**RECOMMENDATION: Approve subject to conditions**

**Summary**

This application is for the variation of the plan numbers condition (condition 2) on application MO/2017/0083. This application follows a Planning Enforcement investigation which found discrepancies between the approved development and what had been built. This application is before the Committee as it has been called-in by Councillor M. Cooksey.

Permission was granted in 2017 (ref: MO/2017/0083) for the erection of a 3 bedroom detached dwelling in the grounds of no52 Deepdene Gardens. A further application was submitted in 2017 for the variation of the plans for the original permission which included fenestration changes, external material changes and for the inclusion of a basement level.

This application is for the variation to the plans which now include a modest increase in the basement level accommodation, an external staircase to the basement level and fenestration changes. During Planning Enforcement's investigation the Council commissioned an independent survey of the dwelling to establish whether the building was larger than approved due to reports that the building's height had increased. The survey concluded that the ridge height was approximately 220mm higher than the approved plans. Therefore this application proposes the retention of this increase in the ridge height.

The proposed changes to the basement, fenestration and ridge height are not considered to have a detrimental impact upon the surrounding area or on the amenities of neighbouring properties over and above the approved dwelling. The changes do not alter the distance between the new and existing development or raise any issues of loss of privacy not previously considered. The application is therefore recommended for approval subject to conditions.

## 1. Development Plan

1.1. Built up area

## 2. Relevant Planning History

MO/2017/0083	Erection of 1 No. new dwelling adjacent to existing dwelling.	Permission granted 16/06/2017
MO/2017/2147	Variation of Condition 2 of approved permission MO/2017/0083 for erection of 1 No. new dwelling adjacent to existing dwelling, in order to allow submission of revised plans relating to increase in size of basement, change to roof and cladding materials, and amendment to north elevation.	Permission granted 30/01/2018

## 3. Description of Development

### 3.1. Background

3.2. The application site is located on the southern side of Deepdene Avenue which is a cul-de-sac accessed from the A24 to the east. This part of Deepdene Avenue is privately owned. The site until recently was occupied by a detached double garage and detached summerhouse outbuilding which both served No.52, which is part of a larger site. The area around the site is characterised by detached two storey dwellings and bungalows of individual designs.

3.3. Planning permission was granted in June 2017 for the erection of a two storey detached dwelling adjacent to the existing dwelling, following the demolition of the existing double garage and summerhouse.

3.4. In 2018 a variation of condition 2 (plan numbers) application (ref: MO/2017/2147) was approved for the following changes:

- An increase in the size of the approved basement;
- The introduction of an overhanging bay at first floor level on the north elevation of the approved dwelling

- Minor changes in the elevations including the removal of a canopy formerly shown on the building.
- The provision of a new window on the south elevation, a new window on the west elevation at ground level to provide light to the basement, and the relocation of a window on the east elevation.
- Changes to the materials, including the use of metal cladding to the roof in place of slates and the use of red cedar timber cladding in place of a composite timber facsimile product.

3.5. This application seeks a number of further changes following an Enforcement investigation which found discrepancies between what had been approved and what was being built. The changes now proposed to the approved plans are as follows:

- Increased size of basement (Approximately 200mm increase in width)
- Increased ridge height (Approximately 220mm increase in ridge height)
- Amendment to north elevation to windows, door and external steps

#### **4. Consultations**

4.1. MVDC Historic Environment Officer: There are views from Dorking Conservation Area towards the application site, therefore the views of the HEO have been sought. The HEO's comments are as follows:

*"Having reviewed the proposed changes and taken a look on site a several locations within the conservation area this morning, I've no objection to this application.*

*The proposed changes to the fenestration are very minor and will not result in negative impact on the character of the conservation area in my view and the alterations to the stairs/basement access will not be visible in views from Cotmandene or access routes up to it. My feeling is that the 220mm increase in building height does not result in a change which would be material in these longer views from Cotmandene and not amount to a reason to recommend refusal on conservation grounds."*

#### **5. Representations**

5.1. 12 representations were received from 11 separate addresses raising the following summarised concerns:

- Overlooking of properties in Deepdene Gardens

*Officer comment: see report below.*

- Inappropriate external finishing materials

*Officer comment: The use of more modern materials were approved in the original permission approved under reference no. MO/2017/0083.*

- Impact upon Cotmandene/Dorking Conservation Area not been considered to date

*Officer comment: The impact of a new dwelling with a modern appearance upon the wider area was considered in the original application MO/2017/0083 and variation application MO/2017/2147.*

- Increased basement renders the area suitable for habitation

*Officer comment: The habitable basement area was approved in application MO/2017/2147, this application is to marginally increase the size of it.*

- The build has been allowed to continue without measurements being taken

*Officer comment: The Council commissioned a surveyor to take measurements of the dwelling, the findings are outlined in para 3.5 above.*

- Approved internal chimney flue now external

*Officer comment: The Planning Enforcement team requested that the chimney flue be removed. It had been removed at the time of the last site visit.*

- Dwelling is overbearing out of character

*Officer comment: The erection of a dwelling with a modern appearance has already been granted by the Planning Committee in 2017. This application is only considering the changes outlined above.*

- Access and parking on the private road not addressed

*Officer comment: Mole Valley District Council have no control of private roads in terms of vehicular movements or parking within it.*

- Top hung and side hung windows would afford even more loss of privacy

*Officer comment: The windows referred to were originally approved with clear glazing in the same location and are considered to be an acceptable distance from neighbouring properties. The additional 200mm in height of the building is not considered to be significant overall and the addition of an extra opening pane in the windows is not considered to afford additional overlooking.*

- Requests landscaping to protect privacy

*Officer comment: The separation distance between habitable rooms is acceptable, it is considered that using landscaping to protect privacy would not meet the long-term 'enforceable' test for planning conditions.*

- "Windows are a key feature of the design of this build and the retrospective approval process should require sight lines over Deepdene Gardens to be reviewed independently before construction is completed"

*Officer comment: The windows on the dwelling have previously received planning permission. This application is considering the increase in ridge height, basement width, external basement staircase and minor fenestration changes but not for additional openings. The separation distances between the permitted windows and neighbouring properties are acceptable and remain unchanged.*

## **6. Main Planning Policies**

### **6.1. Government Guidance**

NPPF (2019)

Section 2 – Achieving sustainable development

Section 5 - Delivering a sufficient supply of homes

Section 11 - Making effective use of land

Section 12 – Achieving well-designed places

Section 16 - Conserving and enhancing the historic environment

6.2. Mole Valley Core Strategy  
CS14 – Townscape, Urban Design and the Historic Environment

6.3. Mole Valley Local Plan

ENV22 – General Development Control Criteria

ENV23 – Respect for setting

6.4. Other Documents

Built up Area Character Appraisal for Dorking – Deepdene Area

## **7. Main Planning Issues**

7.1. The main issues for consideration in this case are the impact of the proposed changes on the character of the site and surrounding area, and any additional impact on the amenities of residents in neighbouring dwellings.

7.2. The grant of planning permission under ref: MO/2017/0083 has established the principle of a new dwelling on the site. That application was considered at Development Control Committee on 7<sup>th</sup> June 2017 where Members agreed that the modern design and finishing materials with a shallow pitched roof was acceptable in this location.

### Impact upon the character of the site and surrounding area

7.3. This application seeks relatively minor changes to the approved building which will provide for a small increase in floor area at basement level, and minor changes to the external appearance.

7.4. The basement room is approximately 200mm wider than approved (outlined in red - figure 1). As this is below ground this would not have a demonstrable harmful impact upon the character of the surrounding area.

7.5. The staircase and area in front of the basement door (outlined in green – figure 1) are predominately below ground. Whilst the retaining wall and top of the staircase would be visible above ground, this would only be once you are on the site and are therefore not considered to have a detrimental impact on the external appearance of the dwelling.

- 7.6. Further minor external changes include the following:
- Increased width of a high level basement window (shown in figure 2 below).
  - A change to the number of bi-folding door panels on the western elevation (shown in figure 2 below)
  - Enlargement and repositioned windows on the south elevation (figure 3).

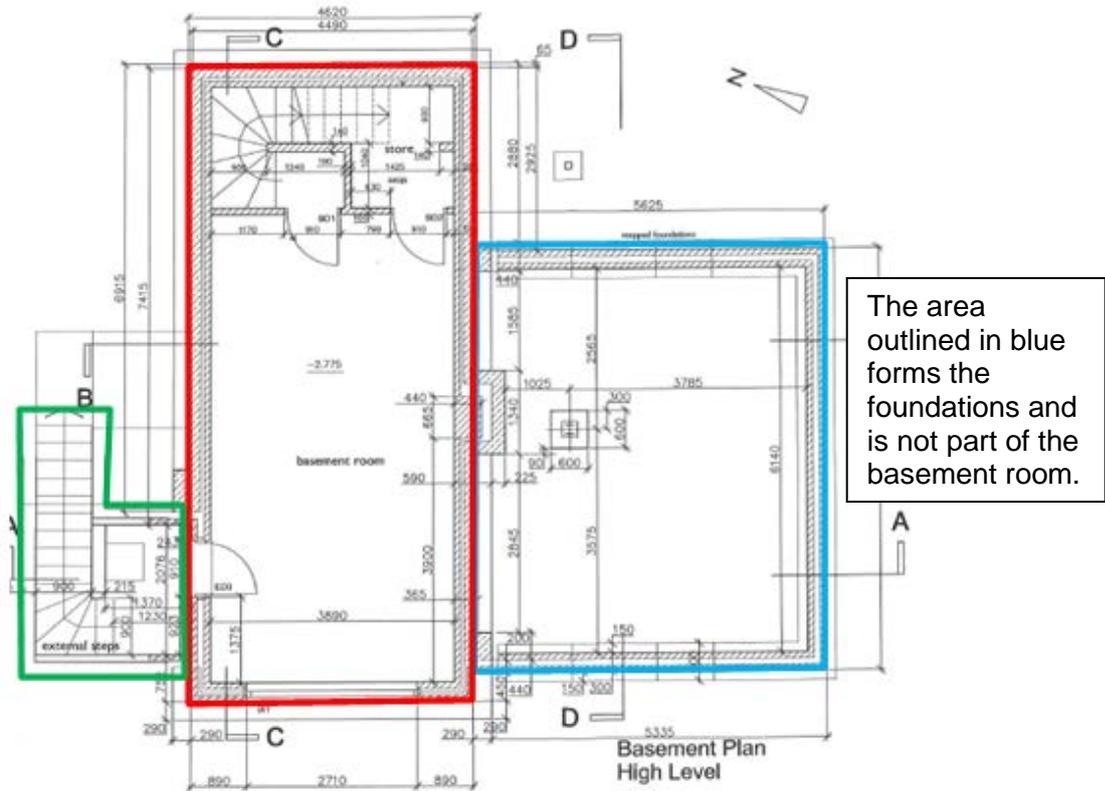


Figure 1

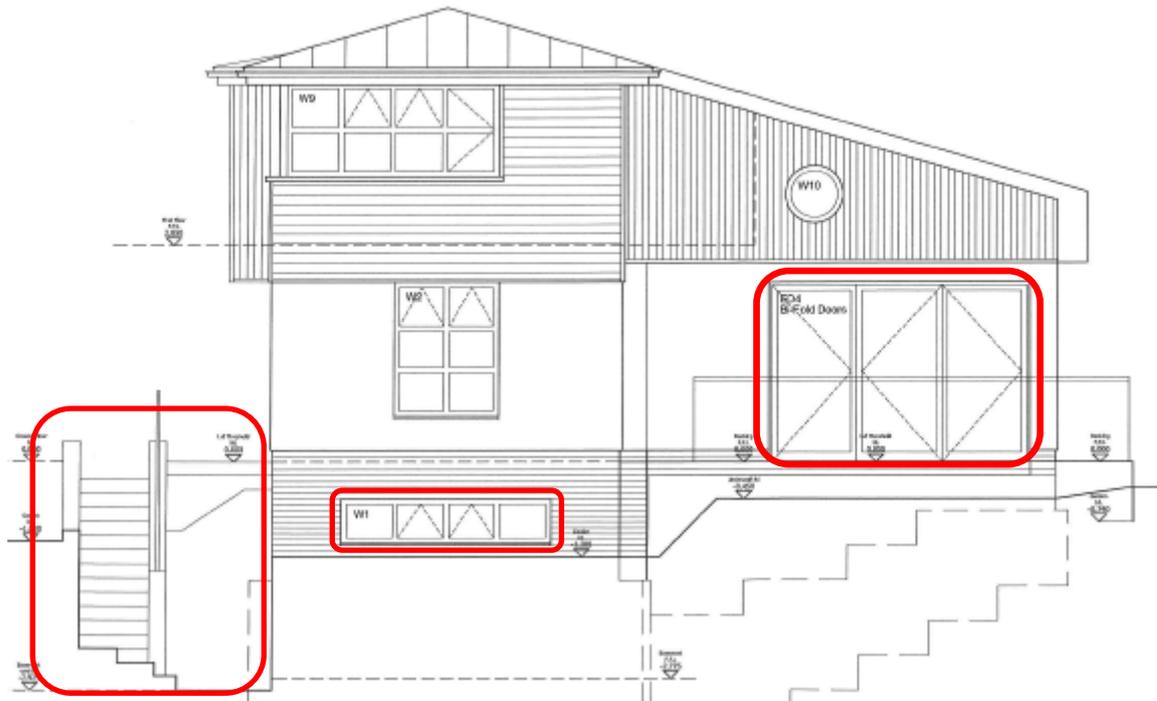


Figure 2 – external basement staircase and enlarged basement window

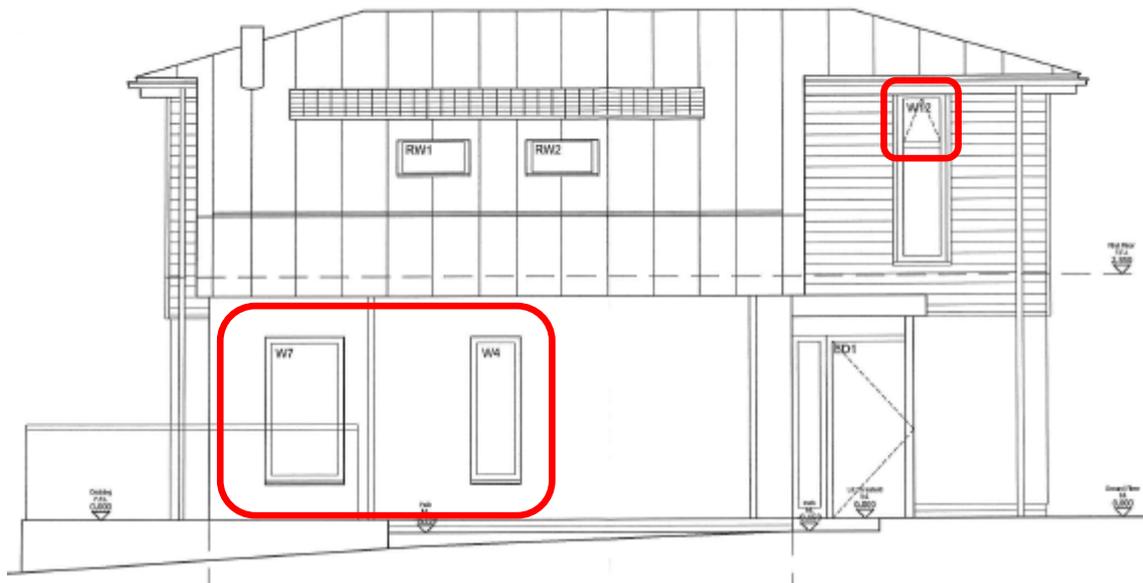


Figure 3 - changes to fenestration

7.7. The changes to the fenestration (figure 3) are considered to be minor and would not have a detrimental impact upon the character of the site or surrounding area.

- 7.8. A Council-commissioned survey carried out on the building has confirmed that the ridge height for the dwelling is approximately 220mm taller than what was originally approved under application MO/2017/0083. Although an objection has been received with regards to the increased height, due to the impact upon the character of the surrounding area; the originally approved dwelling would have been visible above the hillside that it is situated on.



**Figure 4 - submitted photograph of the dwelling taken from Cotmandene**

- 7.9. As the site is visible from the Dorking Conservation Area, The Council's Historic Environment Officer has been consulted. They raise no objection to the plans.
- 7.10. The increased height of the ridge is not considered to be significantly different or demonstrably harmful to the character of the site, or the surrounding area, over and above the height of the approved dwelling. It is therefore considered that the external appearance would not have unduly greater impact upon the surrounding area and complies with Local Plan Policies ENV22 and ENV23.

### Impact on the amenities of residents in neighbouring dwellings

- 7.11. Objections has been raised that relate to overlooking of neighbouring properties, including the properties in Deepdene Gardens to the south-west. The closest neighbouring properties in Deepdene Gardens are nos.17 and 19. Both of these properties are located over 25 metres from the rear of the application dwelling.
- 7.12. It is important to note that this application does not propose any change in position of the dwelling on the site and no window will be closer than the previous approvals. The survey of the site and dwelling concluded that the dwelling has been built within building tolerances of the original permission (ref: MO/2017/0083). The separation between the application property and these neighbouring properties is broadly inline with the 'rule of thumb' on separation distances which is 20 metres where there is a rear-rear relationship.
- 7.13. The changes to the fenestration are considered to be minor and do not significantly alter the dwelling or result in a greater impact on neighbouring properties in terms of overlooking, over and above the changes that were approved in application MO/2017/2147. It is therefore considered that the revised plans will not have any additional impact on the amenities of neighbouring residents.

### Conclusion

- 7.14. The changes requested are not considered to have a detrimental impact upon the site or surrounding area, and the changes to the fenestration are not considered to result in a significant detrimental impact upon neighbouring properties over and above the approved schemes (MO/2017/0083 and MO/2017/2147). The application is therefore considered to comply with Local Plan Policies ENV22, ENV23, Core Strategy Policy CS14 as well as the advice contained within the NPPF.

## **8. Recommendation**

Permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents and plan numbers: 1210.CD-21 revE, 1210.CD-22 revF, 1210.CD-23 revF, 1210.CD-24 revE, 1210.CD-12 revE contained within the application and no variations shall take place.

Reason: To accord with the terms of the submitted application and to ensure minimal impact on local amenity and the environment in accordance with Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan policy ENV22.

2. The development shall only proceed in accordance with the details approved 14 May 2018 under MO/17/2147 for surface water drainage. There shall be no changes to the approved scheme without the prior written approval of the Local Planning Authority.

The approved drainage scheme shall be implemented prior to the first occupation of the development.

Reason: The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue and that without this safeguard planning permission should not be granted and, in the interests of sustainable development, in accordance with the advice contained in the National Planning Policy Framework and policy CS20 of the Mole Valley Core Strategy.

3. The development shall only proceed in accordance with the details approved 14 May 2018 under MO/17/2147 for renewable or low-carbon energy sources. There shall be no changes to the approved scheme without the prior written approval of the Local Planning Authority.

Reason: The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue and that without this safeguard planning permission should not be granted, and to optimise renewable energy and its conservation, in accordance with policy CS19 of the Mole Valley Core Strategy.

4. The development shall only proceed in accordance with the details approved 14 May 2018 under MO/17/2147 for external materials. There shall be no changes to the approved scheme without the prior written approval of the Local Planning Authority.

Reason: To ensure the development harmonises with its surroundings in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

5. The development shall only proceed in accordance with the details approved 14 May 2018 under MO/17/2147 for hard surfacing. There shall be no changes to the approved scheme without the prior written approval of the Local Planning Authority.

Reason: To preserve the visual amenity of the area and prevent the increased risk of flooding, in accordance with Mole Valley Local Plan policy ENV25 and policies CS14 and CS20 of the Mole Valley Core Strategy.

6. Prior to the first occupation the first floor windows in the north facing elevation serving bedroom 1 of the development hereby permitted shall be glazed in obscured glass and only openable above a height of 1.7 metres above the internal floor level. The window shall be permanently retained in that condition thereafter.

Reason: To protect the amenities and privacy of adjoining residential properties in accordance with Mole Valley Local Plan policy ENV32.

7. The development shall only proceed in accordance with the details approved 14 May 2018 under MO/17/2147 for boundary treatments. There shall be no changes to the approved scheme without the prior written approval of the Local Planning Authority.

Reason To preserve the visual amenity of the area and protect neighbouring residential amenities in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

8. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions within Schedule 2, Part 1, Classes A, B, or C to any dwelling hereby permitted shall be erected.

Reason To control any subsequent enlargements in the interests of the visual and residential amenities of the locality, in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

9. The development shall only proceed in accordance with the details approved 14 May 2018 under MO/17/2147 for car parking. There shall be no changes to the approved scheme without the prior written approval of the Local Planning Authority.

Details of car parking for both the donor property and the new house hereby permitted shall be submitted to and approved in writing by the local planning Authority before any above ground works are commenced. Such details as may be approved shall be implemented before first occupation of the new dwelling and retained thereafter.

Reason To ensure adequate off street car parking at the properties and to accord with Policy MOV5 of the Mole Valley Local Plan.

10. Within one month of the date of this permission details of a landscaping scheme shall be submitted to and approved by the Local Planning Authority including planting of trees, shrubs, herbaceous plants and areas to be grassed. The landscaping shall be carried out in the first planting season after commencement of the development unless agreed otherwise in writing by the Local Planning Authority, and shall be maintained for a period of 5 years. Such maintenance shall include the replacement of any trees and shrubs that die.

Reason: To ensure the provision and maintenance of trees, other plants and grassed areas in the interests of visual amenity and in accordance with Mole Valley Local Plan policy ENV25 and policies CS14 and CS15 of the Mole Valley Core Strategy.

### Informatives

1. The applicant is advised that the approval of details and/or samples required by condition(s) is subject to a fee, details of which may be viewed on the Council's website under the planning pages. The fee may cover more than one condition where the details are submitted at the same time. Where subsequent submissions are made, a further fee will be payable per individual submission. The fee should be paid at the time of submission of the formal request.

PLEASE NOTE that this approval process may take up to 8 weeks from the date of the request. Applicants are therefore advised to submit requests in a timely manner.