



Application Number and Registration Date	MO/2018/0010 (Detailed) 04-Jan-2018
Applicant	Airborne Properties Ltd
Case Officer	Mr Aidan Gardner
Amendments /amplifications	Amended by plan Nos. 1736/01 Rev.2, 02 Rev3, 03 Rev. 1, 04 Rev 3 and 05 Rev. 2 dated 17/02/18.
Committee Date	4 April 2018
Ward(s)	Fetcham East Within 20m of Bookham South Ward
Proposal	Erection of 1 No. detached dwelling with proposed new access from Oaklands.
Site Description	Rear of 1, Keswick Road, Fetcham, Leatherhead, Surrey, KT22 9HQ

RECOMMENDATION: Approve subject to conditions

Summary of Development

The site lies within the built up area and comprises part of the rear garden to 1 Keswick Road. Permission is sought for a development of one detached house with access from the eastern side of Oaklands. This is a revision of a scheme applied for last year under MO/17/1448.

1 Development Plan

1.1 Built up area.

2 Relevant Planning History

The entries below refer to applications relating to the curtilage of 1 Keswick Road, which incorporates the land comprised in the current application.

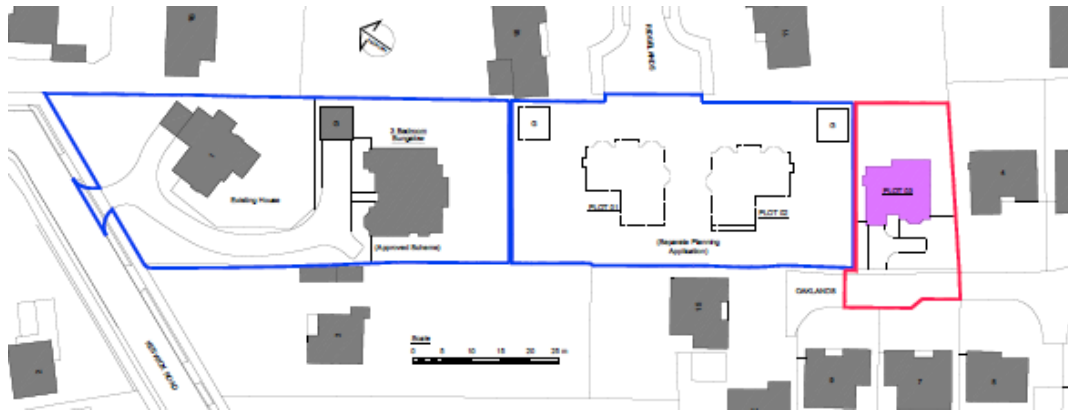
MO/15/1886	Erection of five dwellings; 4 houses and 1 bungalow, the houses accessed from Ridgelands, the bungalow, from Keswick Road.	Refused 10/02/16
MO/16/1050	Erection of detached bungalow to rear of 1 Keswick Road.	Refused 25/08/16. Appeal allowed 22/02/17. Under construction.
MO/16/1049	Erection of three dwellings with access from Ridgelands.	Refused 01/09/16. Appeal dismissed 22/02/17.
MO/17/1375	Erection of two detached houses with access from Ridgelands.	Permitted 08/12/17.
MO/17/1448	Erection of detached dwelling with access from Oaklands.	Refused 07/12/17. Appeal lodged.

3 Description of Development

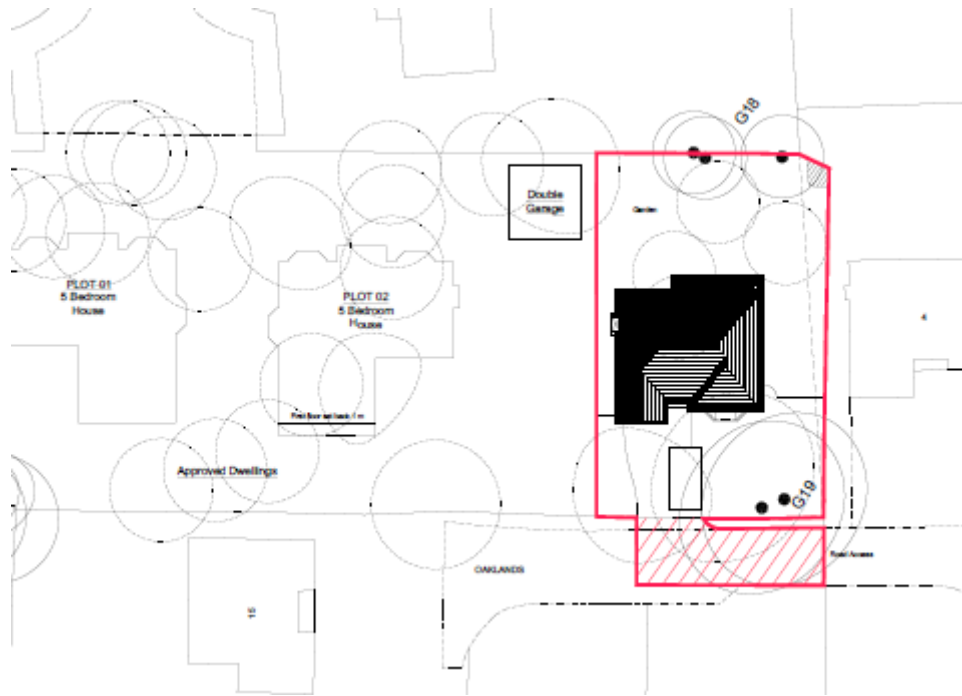
3.1 1 Keswick Road lies on the southern side of Keswick Road, close to the eastern end near its junction with Lower Road. It comprises a detached house arranged somewhat unusually at an angle to the frontage with a very long rear garden. The rear garden extends beyond the end of a road called Ridgelands ending with a frontage to Oaklands. The garden area immediately behind the house has already been redeveloped with a bungalow which was allowed at appeal. The site stands in an area which is wholly residential in character and which is distinguished by detached houses occupying generous plots of varying shape and size. The presence of verges and well landscaped plots lends the area an attractive verdant quality, recognised in the Built up Character Appraisal for this part of Fetcham. The site lies beyond the eastern limit of the Bookham Neighbourhood Development Plan area.



- 3.2 During 2016, two further applications, for four and then, three houses on the balance of the land, with access from Ridgeland, were refused planning permission with one being refused on appeal.
- 3.3 In 2017, two applications were submitted, one for two houses with access from Ridgeland (MO/17/1375), the other, for a single house served from Oaklands (MO/17/1448). The layouts are shown below.



- 3.4 The two applications were considered jointly at the December 2017 meeting of the DC Committee. The two house scheme was permitted, the single dwelling application refused, on the grounds of cramped form of overdevelopment and out of keeping with the locality.
- 3.5 The current proposal is for a revision of the one plot scheme. Once again, permission is sought for the erection of a detached house with access from the end of Oaklands, a short cul-de-sac of nine dwellings off Church Close. Church Close runs west from The Ridgeway where the road divides. One section runs north and west as Ridgeland and ends in a cul-de-sac which would serve as the access to the two houses permitted under MO/17 1375.
- 3.6 The proposed house would be of traditional appearance with hipped roof, gable feature to front and a mixture of brick, render and tile hanging to the elevations and plain tiles to the roofs. The dwelling would have parking provision for at least two cars in the form of an integral single garage with additional parking spaces out in front.
- 3.7 The proposed house type is exactly the same as before, as is the siting. However, the south eastern site boundary has been repositioned so that it runs closer to No. 4 Oaklands as shown below:-



- 3.8 Although the boundary has been moved closer to No 4, no land within the curtilage of No. 4 is involved. The boundary was closer to the proposal under the previous application as the applicant had offered land within their ownership to the occupier of No. 4.
- 3.9 The application site takes in land within the carriageway of Oaklands which is a private road; as before, the appropriate notice has been served on the relevant owners.
- 3.10 The application is accompanied by a Design and Access statement, arboricultural implications report and preliminary ecological appraisal.

4 Consultations

- 4.1 SCC Highways – *‘The application site is accessed via part of Oaklands, which is private and does not form part of the public highway; therefore, it falls outside the County Highway Authority’s jurisdiction. The County Highway Authority has considered that wider impact of the proposed development, particularly at the junction of Oaklands and Church Close, and considers that it would not prejudice highway safety or the free flow of traffic on the adjoining public highway network.’*
- 4.2 Tree Officer – No comments over and above what was advised for MO/17/1448 which, for information, is repeated below:

‘There are no statutory tree constraints on the site and I have no major tree related concerns with this scheme.

Trees within the site are generally smaller low quality types including Cypresses which would need to be removed to accommodate the proposed dwelling. Those losses would not be publicly notable due to the height of other surrounding trees and boundary screening in adjoining properties. Additionally, a declining Oak along with a Maple will be removed from the rear (south-west) boundary with Oaklands. Again, those removals would not have a notable visual impact to the character and appearance of the locality as two other Maples will be retained. The remaining

trees will be close to the rear of the newly proposed property although I am not concerned in this case with the effects that might have on living conditions as pruning could overcome any problems without harm to the setting as I do not consider those trees to be individually significant in any view.'

4.3 Surrey Wildlife Trust - *The Trust notes that the proposals require the removal of a number of trees from the site. It is advised that should the Council be minded to grant permission, it is recommended that a landscape plan be submitted for approval. The landscaping plan should provide clear quantitative measures for an appropriate proposed impact avoidance, mitigation and enhancement measures to show how the biodiversity will be maintained. The landscaping measures should be based on the mitigation and enhancement recommendations set out in the applicant's Preliminary Ecological Appraisal and should include the following:-*

- *Detailed reptile precautionary working and enhancement methodology to ensure these species are not killed or injured as a result of development;*
- *Using native species when carrying out planting;*
- *Details of sensitive lighting in accordance with best practice guidance;*
- *Numbers and locations of bat and bird boxes.*

Consultation responses under previous application

4.4 Environmental Services – No objections from a waste management point of view. The property occupiers would present standard wheeled bins in the cul-de-sac on collection days.

4.5 Sustainability Officer – Were permission to be granted, more information will be needed regarding feasibility of technologies and final details of chosen technology.

4.6 Environmental Health Department – No comments on noise or contamination.

5 Representations

5.1 18 representations have been received, including one each from the Bookham and the Fetcham Residents' Association. The following summarised points are raised:-

- There seems to be little difference between this application and the preceding one which was refused by the Committee;
- Cramped overdevelopment of site;
- Breach of Development Plan policies;
- Inadequate off-street car parking;
- No provision of a footpath from Oaklands;
- Inadequate depth of rear garden;
- The exact status of the south eastern boundary needs to be clarified before any consideration of the application.

Officer Comment: *The agent has amended the line following observations from occupier of No. 4, a revised plan has been submitted and renotification carried out.*

- The application has to be considered in conjunction with the layout permitted under MO/17/1375.
- If permitted, all the conditions imposed under MO/17/1375 should be applied also;
- The planning saga is frustrating to local residents;

- If permitted, work should progress without delay;
- Increased load on local infrastructure;
- The application should not be considered before conditions imposed under MO/17/1375 have been discharged.
- Permission to construct all three houses from Ridglands has not been agreed;

Officer Comment: *The conditions imposed under MO/17/1375 relate solely to that application. The point of direction for the construction project is not a planning consideration.*

- A maximum of only two houses should be built on the land comprised under the permitted and current application;
- Oaklands is too narrow to cater for construction traffic;
- The applicant states that the plot is wider: how can this be?

Officer Comment: *This is covered under 3.3 above;*

- The design of the proposal would be out of keeping with the character of the area – the properties in the Close have double garages and stand in larger plots;
- Emergency vehicles attempting to enter Oaklands could be blocked by construction traffic;
- The proposal breaches the building line within Oaklands;
- The legal right of access from the road needs to be clarified before the application can be considered further;

Officer Comment: *As far as the last point is concerned, these are private matters outside the control of planning. However, as regards the private road, the applicant has served notice on the owners of the land in question.*

6 Main Planning Policies

6.1 Government Guidance

National Planning Policy Framework (NPPF) –

Section 6: Delivering a wide choice of high quality homes
Section 7; Requiring good design.

6.2 Mole Valley Core Strategy

CS1: Where Development will be directed
CS2: Balancing Housing Provision
CS4: Affordable Housing
CS14: Townscape, Urban Design and the Historic Environment
CS19: Sustainable Construction, Renewable Energy and Energy Conservation
CS20: Flood Risk Management

6.3 Mole Valley Local Plan

ENV22: General development control criteria
ENV23: Respect for setting
ENV24: Density of development and space around buildings
ENV53: Trees in the built up area

MOV2: The Movement Implications of Development
MOV5: Parking Standards

6.4 Other documents

Built Up Areas Character Appraisal – East Bookham/West Fetcham

7 Main Planning Issues

7.1 The main issues for consideration are:-

- Effect on the character and appearance of the area;
- Impact on the amenities of adjoining properties;
- Highway safety and parking;
- Trees.

7.2 Principle

7.3 Policies CS1 and CS2 advise that new development will be directed towards previously developed land within the built up areas of Leatherhead, Dorking, Bookham, Fetcham and Ashted. The site lies within the built up area of Fetcham: the principle of residential development is therefore acceptable. The NPPF states that garden land is no longer considered to comprise previously developed land. However, whilst this gives an intrinsic value to garden land, it does not totally preclude the use of such sites, but rather that such proposals should be carefully considered taking into account the specifics of the site and the locality.

7.4 Policy CS3 of the Core Strategy, 'Balancing Housing Provision' states that 'the Council will particularly seek the provision of two and three bedroom dwellings suitable for occupation for all sectors of the community including newly formed households, young couples and expanding families. The proposed development would provide 1 No. 4 bedroom dwelling. However, the character of the area is predominantly one of larger dwellings. The previous applications also involved 4/5 bedroom houses and this never formed part of the grounds of objection by the Council, nor was it raised as an issue by the Inspector.

7.5 Mole Valley Core Strategy policy CS14 advises that all new development must respect and enhance the character of the area in which it is proposed whilst making the best possible use of the land available. This will be assisted through the work on Built-up Area Character appraisals.

7.6 Mole Valley Local policy ENV22, General Development Control Criteria sets out general criteria for sound development control practice. Criterion 1 requires that development should be appropriate to the site in terms of its scale, form and appearance. Criterion 2 requires that the proposal does not significantly harm the amenities of neighbouring occupiers by reason of overlooking or its overshadowing or overpowering effect. Criterion 3 requires that development should respect the character and appearance of the locality.

7.7 Mole Valley Local policy ENV23, Respect for Setting requires that development should take account of the scale, character, bulk and proportions of the surrounding built environment, and that it should not comprise overdevelopment in relation to the size of the plot and/or surrounding developments. Criterion 3 requires that new development has regard to established townscape features, including the space around buildings.

- 7.8 Mole Valley Local Plan policy ENV24 advises that development will not be permitted where it would result in a cramped appearance having regard to the general spacing around buildings in the locality.
- 7.9 Impact upon the character of the area
- 7.10 In the Built up Area Character Appraisal, the area of West Fetcham is described as follows:-
- *Houses often set back behind well maintained front gardens. Wide streets, grass verges and lateral separation between buildings combine to create a strong sense of spaciousness.*
 - *Generous tree cover, including many mature trees within private gardens.*
 - *Interesting variety in house design, including some good examples of well built, late 20th century housing.*
 - *Contrasting styles of development generally co-exist in a harmonious manner.*
 - *House plots mostly of regular size/spacing, creating a sense of coherence despite variety of house design.*
 - *Little local distinctiveness in housing design, although level of tree cover and spaciousness is very typical of “leafy” Surrey.*
 - *Few distinctive landmarks and some rather tortuous road layouts, which makes area difficult to navigate, off the main through routes.*
- 7.11 Keswick Road is characterised predominantly by detached two storey properties located within spacious plots. Despite the number of properties present, there is a strong sense of distinctiveness and place and the area is imbued with an attractive ambience, lent weight by verdant characteristics derived from mature planting and trees. These characteristics equally inform the development within Ridgeland/Oaklands. The distinctive characteristics of the area are reinforced by a preponderance of trees, hedging and verges which creates a verdant and attractive leafy character.
- 7.12 The proposal involves a detached house standing alongside 4 Oaklands, which would be a continuation of the line of development on this side of the road. The spacing to each flank boundary – 2.8 metres at the north western side and 4 metres at the southern side – would be comparable with other plots in the road and is more generous than proposed under the previous application due to the revised alignment of the south eastern boundary. Whilst the proposal would stand a little closer to the road than the adjacent properties; it is considered that this would not be harmful. The front elevation would stand no closer to the road than those on the opposite side of the road.
- 7.13 As the street scene below shows, the proposal would not appear out of keeping with the adjacent building, in terms of height and design.



- 7.14 Comments have been raised about certain design aspects of the house proposed and how they depart from the appearance of the houses in the locality. However, this part of Fetcham contains a mix of dwelling styles, as referenced in the BUACA characteristic for this area (para. 7.10 above). Whilst the proposals may incorporate some differences in style from the existing houses, it is not considered that the changes would be harmful. Indeed, the NPPF at paragraph 60 states: *'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'*
- 7.15 Building design was not identified as an issue for concern by the Inspector in the appeal proposals for 1 Keswick Road where similar house types were employed.
- 7.16 Impact on the amenities of adjoining properties
- 7.17 The relationship between the proposed house and adjacent properties, in terms of orientation and spacing between buildings, is considered to be such that the amenities of the properties would not be significantly affected. The proposal would stand some 6 metres away from 4 Oaklands (the most immediately affected property) and the facing side elevation of the proposal would not contain any first floor windows. Whilst the rear of the proposal would face towards the rear garden of 11 Ridgelands, it is considered that the level of separation involved would be sufficient to maintain adequate levels of privacy to No. 11. The proposal would stand between 20-25 metres away from the dwelling at No. 11 itself.
- 7.18 Finally, it is considered that the relationship between the proposal and the approved Plot 2 on the adjacent site at 13 to 19 metres would also be acceptable.

Highway issues

- 7.19 Many residents express concern over highway aspects. It is argued that the construction process would result in vehicles being parked on the adjacent road network which could both adversely affect highway safety, where parking occurs on a bend in the road and, access by emergency vehicles. The view is also expressed that the level of parking would be insufficient.

- 7.20 Highway and parking issues have never formed grounds for refusal in the previous applications.
- 7.21 The dwelling would have off-street car parking in the form of the garage and driveway space for at least a further car clear of the road. It is considered that this would be sufficient to meet the Council's standards.
- 7.22 The Highway Authority has raised no objections to the proposal. Whilst the part of Oaklands containing the site entrance is private, they have considered the impact on the junction with Church Close and judged that it would not have a harmful impact on the highway network.

Trees

- 7.23 Concern has been expressed about the number of trees to be removed under the applications. None of the trees within the two sites under consideration are covered by a Tree Preservation Order and the grounds for refusal on previous applications have never included reference to loss of trees.
- 7.24 The Tree Officer raises no objections to the application. A tree impact assessment has been submitted in support of the application and it is recommended that the Tree Protection Plan be implemented and will be referenced in a drawing number condition.

Ecology

- 7.25 The application is supported by a preliminary ecological appraisal and Surrey Wildlife Trust is content with its findings subject to the safeguards summarised in paragraph 4.3 above. Appropriate conditions and informatives are recommended below.

Community infrastructure Levy

- 7.26 The proposal would generate a requirement for CIL contributions

8 Recommendation

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

1. The development hereby permitted shall be begun 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 and completed in all respects strictly in accordance with the submitted documents and plan numbers PL01 Rev 2, PL02 Rev. 3, PL03 Rev. 1, PL04 Rev 3, PL05 Rev 2, PL06, PL07, PL08 PL09 and Tree Protection Plan TCP/APA/AP/2017/106A 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.

3. Before any above ground works commence, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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.

4. Before any above ground works commence, details of the hard surfacing to be used within the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall indicate either porous materials or the provision of a direct run-off from the hard surface to a permeable or porous area. All hard surfacing shall be carried out in accordance with the approved details, completed prior to the first occupation of the development hereby permitted and thereafter, permanently retained as such.

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.

5. Prior to the commencement of the development hereby permitted, surface water drainage details shall be submitted for the approval in writing by the Local Planning Authority. Such details shall include an assessment of the potential for the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework.

The assessment shall provide information of the design storm period and intensity (typically a 1 in 100 year storm of 30 minutes duration with an allowance for climate change), the method employed to delay and control the surface water discharged from the site and the means to prevent pollution of the receiving groundwater and/or surface water. Where applicable, the details shall include infiltration tests, calculations and controlled discharge rates. If the development is to discharge water into the ground in any form, then a full BRE Digest 365 infiltration test (or falling head test for deep bore soakaways) will have to be submitted to the Local Planning Authority prior to commencement of any works on site. The suitability of infiltration methods should be verified (i.e. possible contaminated ground).

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 before development commences 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.

6. Prior to any above ground works commencing, details to reduce the carbon emissions of the predicted energy use of the development hereby permitted by at least 10% through the on-site installation and implementation of decentralised and renewable or low-

carbon energy sources shall be submitted and approved by the Local Planning Authority and 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 before development commences 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.

7. No development shall take place until details of the existing ground levels of the site, the proposed finished levels of the ground, the ground floor slab level of each building, and the finished levels of any access road and driveway showing their relationship with the existing levels of the immediately adjoining land and buildings, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted and to protect the amenities and privacy of adjoining properties in accordance with Mole Valley Local Plan policy ENV22.

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - viii. point of contact arrangements between developer and residents.

Reason: The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted, and to protect the amenities of neighbouring residential properties in accordance with Mole Valley Local Plan policy ENV22.

9. Prior to the commencement of works, a Landscape and Ecological Management Plan (LEMP), to include a Sensitive Lighting Management scheme, reptile safeguarding and mitigation measures and bird and bat box locations, shall be submitted for the approval in writing of the Local Planning Authority. The LEMP shall be based on the mitigation and enhancement recommendations contained within the applicant's Preliminary Ecological Appraisal from the Ecology Partnership dated 17 November 2017 which deals with avoidance, mitigation and enhancement measures.

Reason: To ensure the provision and maintenance of trees, other plants and grassed areas and to safeguard the ecological interest of the site, in accordance with policy ENV25 of the Mole Valley Local Plan, policy CS15 of the Mole Valley Core Strategy and the National Planning Policy Framework.

10. No occupation of the development hereby permitted shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected/retained. The boundary treatment shall be completed prior to the first occupation of the development, shall be carried out in accordance with the approved details and thereafter permanently retained as such.

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.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, glazed openings, or roof lights other than those expressly authorised by this permission shall be constructed.

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.

12. 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 the 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 policy CS14 of the Core Strategy and policy ENV22 of the Mole Valley Local Plan.

Informatives

1. Bats are protected under the Wildlife & Countryside Act 1981 and subsequent legislation and it is an offence to deliberately or recklessly disturb them or damage their roosts. (Potential habitats) Trees should be inspected before any works commence and if the presence of bats is suspected advice will need to be sought from the Natural England on 0300 060 3900. Further advice on bats is available from The Bat Conservation Trust on 0345 1300 228.
2. Birds may be found nesting in trees, hedges and associated plants such as Ivy, especially between March and September. All wild birds are protected by law under the wildlife & Countryside Act 1981 and it can be an offence to intentionally disturb, injure or kill a nesting bird or to take, damage or destroy an occupied nest or a viable egg. If nesting birds are discovered, works on the trees should be deferred until the nests are abandoned.
3. The applicant's attention is drawn to the requirements of Surrey Wildlife Trust which are set out in their email dated 15/02/18 which can be viewed on the Council's website.