

ITEM 5.1

Application: 2022/1399

Location: 23 Oast Road, Hurst Green, Oxted, Surrey, RH8 9DU

Proposal: Erection of two storey rear extension, new front porch, front and side facades window reconfigurations. Demolition of existing garage and erection of residential annex.

Ward: Oxted South

Decision Level: Planning Committee

Constraints – Urban Area, WOODED HILLSIDES, RAILWAY LINES, BIGGINHILLSAFEGAURDING, EA_ROFSW_1_IN_1000

RECOMMENDATION: PERMIT SUBJECT TO CONDITIONS

1. This application is reported to Committee following call in from Cllr Langton.

Summary

2. Planning permission is sought for the erection of two storey rear extension, a new front porch and the reconfiguration of the windows within the front and side facades. Permission is also sought for the demolition of the existing garage and the erection of a residential annexe to the existing residential dwelling. The design of the development would respect the character and appearance of the site and area and would not result in unacceptable harm to neighbouring property amenities. There are no objections raised on any other ground and it is therefore recommended that planning permission be approved.

Site Description

3. The site comprises a two storey detached dwelling on the northeastern side of Oast Road, a private residential road within the settlement boundary of Oxted.
4. The primary two storey part of the existing dwelling measures 15.7 metres wide (excluding the chimney) and 4.7 metres deep, with an eaves height of 4.8 metres and a ridge height of 7.6 metres. To the rear are single and two storey projections that measure a maximum of 6.1 metres deep at ground floor and 3.5 metres deep at first floor. The plans show that, at its closest, the dwelling is 6.2 metres from the boundary that is shared with 21 Oast Road and 4.8 metres from the boundary that is shared with 25 Oast Road.
5. The existing garage building is located to the west side of the dwelling and set back behind the primary two storey part of the dwelling. The garage measures 5.3 metres by 5.7 metres with a pitched roof built to an eaves height of 2.3 metres and a ridge height of 3.1 metres. The submitted plans show that the garage is positioned 1 metre from the boundary that is shared with 21 Oast Road.

Relevant History

6. None.

Key Issues

7. The key issues are the principle of development, the effects on the character and appearance of the site and the surrounding area, the effects on the living conditions of neighbour residents, the effects on highway safety and parking provision.

Proposal

8. Planning permission is sought for the erection of a two storey rear extension, a new front porch and the reconfiguration of the windows within the front and side facades. Permission is also sought for the demolition of the existing garage and the erection of a residential annexe to the existing residential dwelling.
9. The proposed two storey extension would replace the existing single and two storey projections to the rear of the primary two storey part of the dwelling, The main part of the existing dwelling would remain of the same overall size. The extensions would measure 15.7 metres wide overall, thereby matching the width of the main part of the existing dwelling. At both side elevations, the extensions would measure 6.1 metres deep, with pitched roofs built to eaves and ridge heights to match the existing dwelling, covering spans of 4.8 metres. The central part of the rear extension, between the two projections that are described above, would measure 5.1 metres deep at ground floor level, 4.4 metres deep at first floor level and 6.2 metres wide, with a pair of pitched roofs with ridges at a height of 6.7 metres. At ground floor, the additional depth would be covered with a flat roof, behind a parapet, with a rooflight.
10. The proposed porch would measure 2 metres deep and 3 metres wide with a maximum height of 3.5 metres. The porch would be centralised on the front elevation, unlike the existing porch is to the west of the frontage.
11. The other alterations to the elevations of the dwelling would include the provision of a window in place of an existing door on the front elevation to reflect the presence of the proposed porch. At the side facing 21 Oast Road, whereas the existing building features two first floor windows, two small ground floor windows and a door, the resultant dwelling would feature two first floor windows (serving a bathroom and a bedroom), a single window and a single door at ground floor level and a rooflight (shown to be serving a first floor bedroom on the floor plans). At the side facing 25 Oast Road, whereas the existing building features two first floor windows and a single ground floor window, the resultant dwelling would feature a single window at ground and first floor (serving a bedroom at first floor) and a rooflight (serving shown to be serving a first floor bedroom on the floor plans).
12. With respect to the annex, the drawings have been amended during the application process to remove the first floor accommodation from the annexe that had previously been proposed. An amended plans consultation was carried out. The annex building that is now proposed would measure 8 metres by 5.1 metres with an eaves height of 2.4 metres and a ridge height of 4.4 metres. The building would be located in a similar position to the existing garage, remaining 0.8 metres from the boundary that is shared with 21 Oast Road. The annex would feature a store area to the front, served by a folding garage door, a bathroom and a kitchen/dining area. Two rooflights are shown to each side of the building, which are also shown on the floor plan, thereby implying that the building would feature a vaulted ceiling.

Development Plan Policy

13. Tandridge District Core Strategy 2008 – Policies CSP1, and CSP18
14. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5 and DP7,
15. Emerging Tandridge Local Plan 2033 - Policies TLP01, TLP06, TLP18

National Advice

16. National Planning Policy Framework (NPPF) (2021)
17. Planning Practice Guidance (PPG)
18. National Design Guide (2019)

Statutory Consultation Responses

19. County Highway Authority – The CHA notes that the proposed access for the development is onto a private road over which the CHA has no jurisdiction. However, the highway authority has assessed the proposals and consider they will not have an impact at the point where this private road meets the highway network and/or the surrounding highway network. The County Highway Authority therefore has no highway requirement.
20. Oxted Parish Council – In considering the application the Parish Council has found no material planning reasons for refusal however as the annexe is not connected to the main dwelling and is entirely independent of the main dwelling, a condition needs to be applied that the annexe is not to be sold as a separate dwelling.
21. Network Rail – no objections subject to the imposition of informatives.
22. The Principal Tree Officer stated *“If the tree is 6/7 metres away from the proposed rear elevation then it is highly unlikely that stability will be affected. The structural root plate normally being only approx. 3m radius for a mature tree. But depending on the root protection area the construction could cause harm to feeder and transport roots. I would suggest a tree protection condition is added to any consent to ensure harm is minimised.”* An Arboricultural Impact Assessment and a Tree Protection Plan were subsequently submitted and reviewed by the Tree Officer who confirmed that the documents submitted met the requirements and subject to the imposition of a condition, raised no objections.

Third Party Comments – 3 letters received raising concerns regarding the following issues

- Adverse impact upon Eucalyptus Tree
- Inconsiderate parking of construction vehicles during the build
- Lack of consultation
- Excessive overshadowing and overbearing impact exacerbated by topography differences
- Loss of light
- Breach of 45 degree rule
- Loss of privacy
- Adverse impact on outlook
- Potential for annexe to be used as independent dwelling
- Insufficient separation to boundary (annexe)

- Adverse impact on flooding
- Disturbance, noise pollution and dust during construction work
- Request to delay determination of application until 9th March
- Loss of stagger between properties.
- Cited the determination of application 2017/2429, 2022/330 and 2017/642 and 2018/702 as examples to support the objects that are set out above.

Assessment

Location and principle of development

23. The application site lies within an Urban Area. Therefore, the principle of the proposed development would be acceptable provided that it would be acceptable in the respects that are assessed further below. Policy DP1 of the Local Plan (2014) advises that when considering development proposal, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. As such, there is no objection in principle to the location of the development having regard to Core Strategy Policy CSP1 and Local Plan Policy DP1 in this regard.

Character and appearance

24. Policy CSP18 of the Core Strategy requires new development to be of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness.

25. Policy DP7 of the Local Plan provides the Council's general policy for new development and requires proposals to respect and contribute to distinctiveness of the area in which it is located and to have a complementary building design and materials.

26. Properties within the area are varied in terms of their building design, scale and positioning within the plot. As a result, properties within the area do not have a uniform design, nor is there a set building line within the streetscene. The existing property is set back from the road with the proposed extensions being located mostly to the rear. As a result, views of the proposed rear extension from within the street scene would be relatively limited. Whilst the proposed rear extensions are of a large size, they are not considered to be excessive in scale when taking into account the size of the existing dwelling and its location within an urban area. The proposed rear extensions would utilise roof forms that suitably reflect the pitched roof of the existing building and enable the extensions to appear subservient to and reflective of the appearance and form of the existing building.

27. The extensions would come no closer to the boundaries of the site than the main part of the existing dwelling and therefore, whilst wider than the existing rear extensions, the development would not cause a reduction of the overall spaciousness between dwellings, particularly when viewed from the public domain.

28. Third party objections have been raised in relation to the loss of stagger between the site and the neighbouring property. However, other than the proposed porch, there would be no alterations to the front elevation and, as such, the stagger of the dwellings would not be unduly affected when viewed from the public domain to the front of the dwelling. Thus, the existing building line 'stagger' would be largely retained and, as the porch would replace an existing porch, it is considered that the effect of this part of the development on the alignment of the built form within the locality would be negligible.

29. Reference has been made to two applications with regards to setting a precedent to refusing applications which resulted in the loss of a stagger. Firstly, it should be noted that each application must be determined on its own merits and that each proposal will need to be assessed against specific characteristics of that plot and surrounding streetscene. One of the applications (2022/330) was in Uvedale Road and planning permission was granted for a materially different development following the receipt of amended plans. The second application (2017/2429) that was referenced within third party objections was at 40 Oast Road and was withdrawn. These applications are not therefore considered to be determinative in the assessment of this proposal.
30. The rear elevation of the property would be amended to a more uniform appearance than the existing situation and this is considered to be an improvement when compared to the existing property, given the disjointed extensions which already exist. These works would also be located to the rear of the property, such that public views would be very limited. It is therefore considered that any loss in 'stagger' to the rear of the property would not adversely affect the character of the host building or the streetscene.
31. The proposed porch and the alterations to the elevations of the existing dwelling would have a minor impact on the appearance of the building and would be sufficiently in-keeping with the remainder of the resultant building to appear visually acceptable. Given the varied architecture of the built form within the surrounding area, the alterations to the elevations of the building would not cause the building to appear incongruous or visually jarring in the context of the locality.
32. The proposed annex would be partially screened from some views from the public domain by the existing and neighbouring dwelling and, from the front, would not have a substantially different appearance of the existing garage. Whilst larger, the increased size of the building would not cause the building to appear unduly large in the context of this plot. The design of the building would be simple and acceptable and, as such, the proposed building would not cause harm to the character or appearance of the site or the locality.
33. For the above reasons, it is considered that the proposed development would be acceptable in terms of character and appearance and would therefore comply with the provisions of Policies DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies, Policy CSP18 of the Core Strategy and the NPPF.

Impact on neighbouring amenity

34. Policy CSP18 of the Core Strategy advises that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect.
35. Policy DP7 part (6) states that proposals should not significantly harm the amenity of neighbouring properties by reason of pollution (noise, air or light), traffic, or other general disturbance. Part (7) of Policy DP7 states that proposals should not significantly harm the amenities and privacy of occupiers of neighbouring properties (including their private amenity space) by reason of overlooking or its overshadowing or overbearing effect.
36. Due to the siting of the proposed extensions to the dwelling and separation distances to the neighbouring properties, the proposal would not have an adverse

impact upon neighbouring amenities in terms of loss of light, outlook or privacy. The proposed annexe would replace an existing outbuilding and, due to the size

37. and scale of the annexe, it would not adversely impact the amenities of the neighbouring property in terms of loss of light or overbearing impact to an extent that would be unduly harmful to the overall living conditions of the neighbouring residents.
38. The proposed annexe would provide for additional living accommodation and storage space to be used in association with the main dwelling. The annexe has been amended drawing the application process to remove the first floor element of the scheme. The annexe would be located in a similar position to the existing outbuilding albeit approx. 0.2m closer to the shared boundary with the neighbouring property. Whilst concerns have been raised regarding the impact of the annexe on the amenities of the neighbouring property in terms of loss of light and overbearing impact, the eaves height of the proposed outbuilding would be the same as the existing garage and, as such, the impact at the boundary would be limited. Whilst there would be an increase of approximately 1.3m in the ridge height of the outbuilding, as the roof would slope away from the shared boundary it is considered that there would not be an unacceptable adverse impact upon the neighbouring property compared to the existing site layout.
39. Concerns have also been raised in relation to the use of the outbuilding as an independent dwelling. Given the size of the annexe it would not provide suitable accommodation as an independent dwelling. However, it is considered appropriate to condition the annexe to ensure that it is used for purposes that are incidental or ancillary to the main dwelling and it is also appropriate to impose a condition to prevent mezzanine space from being provided.
40. Third party objections have been raised on the grounds that the proposal would have a greater impact upon the amenities of the neighbouring property due to the changes in topography which would result in an unacceptable overbearing impact. Other applications have been referred to showing examples of where planning applications have been refused for developments where there have been significant changes in topography. These references are 2017/642 which was refused and 2018/702 which was approved. As set out above, as each application must be determined on its own merits, it is not possible to draw comparisons on these applications.
41. Third party objections have also been raised in relation to excessive overshadowing and overbearing impact. Whilst the topography of the sites is noted, given that the separation distance between number 21 and 23 Oast Road, it is not considered that the proposal would result in an unacceptable level of overshadowing or loss of light. The proposed rear element would be sited 1m closer to the shared side boundary with number 21 but would not extend beyond the existing side wall of the main property that faces number 21. Given the separation distances that would be retained, whilst being positioned rearwards of the neighbouring dwelling and to the south east of that dwelling, the proposed extensions would not cause a loss of daylight or sunlight to an extent that would justify the refusal of the application.
42. Third party objections have been raised in relation to the separation distance between bedroom windows being 10m as opposed to 20m. The 20m separation distance, which is taken from policy DP7, relates to 'back to back' scenarios where two bedroom windows would face one another. The minimum separation distance of 20m is recommended to ensure no loss of privacy to existing and future

occupiers. That standard is not applicable to this scenario where the effected properties are located to the side. Likewise, as the 14 metre standard that is referred to in Policy DP7 is intended to apply where a side elevation has a relationship with a rear elevation, it is not applicable to this scenario.

43. In response to the above, it is relevant to note that the existing and proposed side-facing windows are discussed in the description of the proposal that is provided above. The existing pair of first floor windows facing sideways towards 21 Oast Road serve a bedroom and a bathroom. Conversely, the single sideways facing window on that elevation that would remain would continue to serve a bedroom. The same is also true in respect of the side elevation facing 25 Oast Road where there is an overall reduction of first floor windows and that sole window would continue to serve a bedroom. Moreover, the additional rooflights would be at a sufficiently high-level to avoid overlooking. Furthermore, the rear facing windows would not cause overlooking to a greater extent than the existing situation and the minor reduction in distance between the windows and the boundary would not be reason to find the effect of the development on the privacy of the neighbouring residents unacceptable. Therefore, there would be no additional overlooking in comparison to the existing situation that would justify the refusal of the application.
44. For the reasons above, the proposal is considered acceptable in terms of the potential impact upon the residential amenities and would therefore comply with the provisions of Policy DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies and Policy CSP18 of the Core Strategy.

Highway Safety and Parking Provision

45. Policy CSP12 of the Core Strategy advises that new development proposals should have regard to adopted highway design standards and vehicle/other parking standards. Criterion 3 of Policy DP7 of the Local Plan also requires new development to have regard to adopted parking standards and Policy DP5 seeks to ensure that development does not impact highway safety.
46. The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the proposed development would not have a material impact on the safety and operation of the adjoining public highway and notes that the site is located on a private road. As a result, the CHA has no jurisdiction over the access arrangements onto a private road. In any event, given the nature of the proposal, the development would not adversely affect the public highway (where the private road meets the public highway). For these reasons the proposal would not negatively impact upon highway safety and as such comply with the provisions of Core Strategy Policy CSP12 and Local Plan Policy DP5.

Trees

47. Core Strategy Policy CSP 18 (Character and Design) requires that:
Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained.
48. Paragraph 13 of Policy DP7 of the Local Plan states:

Where trees are present on a proposed development site, a landscaping scheme should be submitted alongside the planning application which makes provision for the retention of existing trees that are important by virtue of their significance within the local landscape. Their significance may be as a result of their size, form and

maturity, or because they are rare or unusual. Younger trees that have the potential to add significant value to the landscape character in the future should also be retained where possible. Their retention should be reflected in the proposed development layout, allowing sufficient space for new and young trees to grow to maturity, both above and below ground. Where existing trees are felled prior to permission for development being sought, the Council may require replacement planting as part of any permission granted.

49. Further guidance on the consideration of trees in relation to development is provided within the Tandridge Trees and Soft Landscaping SPD (2017).
50. The Tree Officer was consulted and his comments are set out above. An Arboricultural Impact Assessment and a Tree Protection Plan were subsequently submitted and reviewed by the Tree Officer who confirmed that the documents submitted met the requirements and subject to the imposition of a condition, raised no objections. Therefore, the proposal would be acceptable in this respect and accord with the abovementioned policies.

Other Matters

51. Concerns have been raised in relation to the potential for the proposal to increase the risk of flooding elsewhere. The property is located within Flood Zone 1 and therefore the site poses a very low risk of flooding. On this basis no additional information regarding flood risk is required.
52. In addition, concerns were raised in relation to a lack of consultation and specifically the fact that no site notice was displayed. Site notices are not required in all cases. This site is not located within a conservation area and the proposal does not relate to a listed building. As all neighbours could be identified and written to, notifying of the application. As a result, no site notice was displayed. Concerns were also raised by a neighbouring property over whether they had been adequately consulted. As additional consultation has been carried out in relation to amended drawings, it is considered that the requirements for public consultation have been met.
53. Third party concerns have been raised in relation to the potential for inconsiderate parking by construction vehicles during the build. This is not material planning consideration which can be taken into account when determining the application.
54. There is a requirement for the Council to show that it has complied with the statutory duty under Section 149 of the Equality Act 2010 to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above.
55. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

Conclusion

56. In conclusion, the proposal is considered to be acceptable in all respects and, as such, it is recommended that planning permission is granted.

RECOMMENDATION:

PERMIT SUBJECT TO CONDITIONS

1. The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.

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

2. This decision refers to drawings numbered PLN05, PLN06, PLN07, PLN08, PLN09 received on 01/02/23 and red-edged site plan PLN10 Rev A dated 31/03/23. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

3. The materials to be used on the external faces of the proposed development shall be in accordance with the details shown on the submitted application particulars.

Reason: To ensure that the new works harmonise with the existing building to accord with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

4. No demolition or building operations shall start until the tree protection measures detailed within the approved Tree Protection Plan (ref TPP 05991/2023) and Arboricultural Method Statement have been implemented. Thereafter these measures shall be retained and any specified staging of works strictly adhered to throughout the course of development, and shall not be varied without the written agreement of the Local Planning Authority.

In any event, the following restrictions shall be strictly observed unless otherwise agreed by the Local Planning Authority:

- (a) No bonfires shall take place within the root protection area (RPA) or within a position where heat could affect foliage or branches.
- (b) No further trenches, drains or service runs shall be sited within the RPA of any retained trees.
- (c) No further changes in ground levels or excavations shall take place within the RPA of any retained trees.

Reason: To prevent damage to trees in the interest of the visual amenities of the area in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

5. Before the development hereby approved is occupied the first floor side bathroom window shall be fitted with obscure glass and shall be non opening unless the part(s) of the window which can be opened are more than 1.7m

above the floor of the room in which the window is installed and shall be permanently maintained as such.

Reason: To protect the amenities and privacy of occupiers of adjoining properties in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

6. The detached annex building hereby approved shall not be used for any purposes other than purposes that are incidental to the enjoyment of or ancillary to the dwelling at the application site. Moreover, no mezzanine or other such first floor accommodation shall be provided within the annexe hereby approved.

Reason: To protect the amenities and privacy of occupiers of adjoining properties and to ensure that the building is used for purposes that are ancillary to the use of the dwelling or incidental to the enjoyment of the dwelling in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

Informatives

1. Condition 2 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 2 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.
2. The development has been assessed against Tandridge District Core Strategy 2008 Policies CSP1, CSP18, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1 and DP7 and other material considerations. It has been concluded that the development, subject to the conditions imposed, would accord with the development plan and there are no other material considerations to justify a refusal of permission.
3. The Local Planning Authority has acted in a positive and creative way in determining this application, as required by the NPPF (2021), and has assessed the proposal against all material considerations including the presumption in favour of sustainable development and that which improves the economic, social and environmental conditions of the area, planning policies and guidance and representations received.