

Application: 2022/1015
Location: 18 Amy Road, Oxted, Surrey, RH8 0PX
Proposal: Removal of existing chimney and erection of a single-storey front extension with dormer to front roof slope. Erection of a two/single storey rear extension and lower ground floor annexe extension together with external stairs and retaining walls. Installation of solar array to rear roof slope. (Amended plans and description).
Ward: Oxted North and Tandridge

Decision Level: Planning Committee

Constraints – Biggin Hill Safeguarding, HSE Notifiable Hazard, Road Local D - Amy Road, Risk of Flooding from Surface Water – 1 in 1000, Source Protection Zones 3, Urban Area(s)

RECOMMENDATION: Approved subject to conditions

1. This application is reported to Committee following a call in by Cllr Sayer.

Summary

2. Planning permission is sought for the erection of a single-storey front extension with dormer to front roof slope and the erection of a two/single storey rear extension and lower ground floor annexe extension together with external stairs and retaining walls. A solar array to the rear roof slope is also proposed to this existing residential dwelling.
3. The design of the proposal would respect the character and appearance of the site and surrounding area and would not result in harm to neighbouring amenities. It is considered necessary to restrict the use of the ground floor annexe to prevent the creation of a separate unit of accommodation and also restricting the glazing and opening of the east facing (side) windows of the proposed extension in order to protect the amenity of neighbouring occupiers. It is recommended that planning permission is approved.

Site Description

4. The site comprises a two storey semi detached dwelling located to the southern side of Amy Road within an urban area of Oxted. The site slopes downwards from the front of the dwelling towards the rear boundary. The site is bound to the east by a mixture of timber fencing and hedging, to the west by hedging of around 2m in height and to the rear by a brick wall. The frontage of the site is reasonably open where there is a small front garden. The surrounding area is residential.

Relevant History

5. No relevant history.

Key Issues

6. The site lies within an urban area where the key issues are whether the proposal would have a negative impact upon the amenities of neighbours and the character and appearance of the site and surrounding area.

Proposal

7. Planning permission is sought for the erection of a single storey extension to the front (north facing elevation) of the existing dwelling with a depth of approximately 1.2m and similar eaves height to the existing dwelling together with a small, pitched roof dormer. A single/two storey extension is proposed to the rear (south facing elevation is shown to have a depth of 3m towards the western boundary and 4m towards the east with an overall total width of approximately 7.9m. In addition, there will also be a lower ground floor extension which is shown to be 4.6m towards the western boundary and 4m towards the east and the resultant space will serve as an annexe to the existing dwelling which is accessed internally from the main dwelling. A solar array is proposed to the rear (south facing) roof slope.
8. The proposal has been amended following Officer comments and includes a reduction in depth of the two-storey extension from 5.97m to 4m and removal of the rear balcony area. The recessed two storey extension originally proposed has been reduced to a single storey extension with a catslide style roof. An internal access to the annexe has also been provided within the existing dwelling.

Development Plan Policy

9. Tandridge District Core Strategy 2008 – Policies CSP1, CSP18,
10. Tandridge Local Plan: Part 1 – Detailed Policies 2014 – Policies DP1, DP7,
11. Emerging Tandridge Local Plan 2033 – Policies TLP01, TLP06, TLP18,
12. Woldingham Neighbourhood Plan 2016 – Not applicable.
13. Limpsfield Neighbourhood Plan 2019 – Not applicable.
14. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – Not applicable.

National Advice

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

Statutory Consultation Responses

18. As it is not considered that the likely net additional traffic generation, access arrangements and parking would have a material impact on the safety and operation of the public highway, the highway authority were not consulted on this application.
19. Oxted Parish Council – The Councillors consider the mass and scale of proposed extension is overbearing, overlooking neighbouring property by balcony and window. Overdevelopment of the site. Being lower ground level could be liable to flooding. The plans were poor and difficult to read.

Other Representations

20. Third Party Comments –

- TLP (2014) and Core Strategy (2008) give relevant guidance for proposed development and DP7 sets out that residential extensions should have respect for neighbouring amenity and privacy and complement the character of the house, street scene and setting. This proposal does not follow the guidance nor does it have respect for amenity and privacy of our property.
- The construction and excavations would cause massive disruption and noise pollution with the proposed structure causing significant loss of light
- Overlooking, overshadowing and overbearing.
- Where habitable rooms would be in direct alignment a minimum privacy distance of 22m will be required. Our house and garden are within 2.7m of the proposed development and our boundary fence is a mere 1.2m from 18 Amy Road.
- Distance may need to be increased to protect those parts of gardens which immediately adjoin dwellings or where sites are sloping – our ground level is 1.3m below the ground level of 18 Amy Road so the view from our house of the proposed extension will be 2.5 storeys in height not 2 storeys as stated. Proposed terrace will be 1.3m above our garden and will also be overbearing.
- Extension extends 5m from the rear of 18 Amy Road with an additional 3m length of terrace. Overall length will impact over three-quarters of the length of our garden.
- In most circumstances a minimum distance of 14m will be required between principal windows of existing dwellings and the walls of new buildings without windows – The proposal will overlook garden, living room and kitchen. Will remove right to privacy. Our windows will be less than 4m from the new extension.
- Proposal does not complement the character of the house, street scene and setting in that it will amount to an increase of 97% of the present square metres and height of the existing property. This is equivalent to another house being built on site.
- Impact upon streetscene, character and appearance of the property and 16 Amy Road. Negative impact on passersby of Ellice Road and Boots car parks.
- Would set a harmful precedence for future overdevelopment of residential properties in the area.

Assessment

Procedural note

21. The Tandridge District Core Strategy and Detailed Local Plan Policies predate the NPPF as published in 2021. However, paragraph 219 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance to the degree of consistency with the current Framework.

Location and principle of development

22. The application site lies within an Urban Area within which Core Strategy Policy CSP1 identifies that development will take place in order to promote sustainable patterns of travel and in order to make the best use of previously developed land and where there is a choice of mode of transport available and

where the distance to travel services is minimised. The principle of new development would be acceptable provided that it would meet the relevant criteria regarding its design and appearance as assessed 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 and Core Strategy Policy CSP1 and Local Plan Policy DP1 in this regard.

Character and appearance

23. 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.
24. 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.
25. Characteristically, the site and surrounding area consists of a mix of dwelling types and designs set within good sized plots. The road slopes down from the junction with Station Road East down towards the entrance to the Ellice Road car park. There is a small amenity space to the front of the dwellings within Amy Road with some off-street parking to a few of the properties. This site forms one half of a semi-detached pair of dwellings with features including a half hip gabled roof to the front and a gabled outrigger to the rear with the dwellings finished in a white render.
26. The topography of the site is such that the land slopes down from the front of the dwelling towards the rear garden which gives more visual height to the existing built form to the rear elevation of the dwelling. The existing rear projection has an eaves height of approximately 5.5m with the proposed extension having an eaves height of approximately 6.4m when measured from the lower ground floor level. The works proposed to provide the lower ground level includes a retaining wall and stairs leading up to the existing garden, therefore the eaves height of the proposed extension when measured from the existing ground level towards the eastern boundary will remain at 5.5m. The proposed extension would increase the overall height of the existing rear projection from 7.5m to 8m when measured from the existing ground level. However, the overall height of the proposed extension increases to 9m when measured from the lower ground floor level. The proposed rear extension has been designed to include a half hip gabled roof which would maintain the design features of that within the front elevation.
27. Whilst the proposed front extension would project 1.2m from the existing recessed entrance area, it would maintain the existing eaves height and its subservience to the main dwelling. This extension would be visible from within the street scene although it would maintain the character of the existing dwelling the attached neighbour at No. 16 Amy Road. The relationship between the host and neighbouring dwellings is such that the proposed rear extension would not be readily visible from within the streetscene.
28. The rear garden has a depth of around 21.2 metres from the furthest most projection of the existing dwelling to the walled boundary with Boots car park to the south. This would be reduced with the proposed extension to the rear

although a significant amount of amenity space will remain for the current and future occupiers of the property. It is accepted that the degree of built form will increase on the site although its visual appearance is maintained and would not appear prominent within its location from the Boots and Ellice Road car parks.

29. The submitted design and access statement confirms that the material finishes will remain as existing to 'ensure a coherent appearance'. No objection is raised to the proposed materials.
30. 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 and Policy CSP18 of the Core Strategy.

Impact on neighbouring amenity

31. 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.
32. 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.
33. The proposal as submitted sought the erection of a two-storey flat roofed extension on the boundary with the attached neighbour at No. 16 Amy Road. The design showed the flat roof higher than the existing eaves and with its two-storey nature was considered overbearing on this neighbour. The reduction in bulk of the proposed extension to a single storey extension of the same depth, albeit finished with a catslide style roof, is considered to have reduced the overshadowing and overbearing impact upon this neighbour. The current arrangement to the rear of the existing dwelling shows a set of doors which lead out onto a raised deck area leading down to the garden. The decking is screened from the neighbour by an existing timber fence on the boundary. There is also a platform area proposed above the lower ground floor projection which will primarily carry a similar function to the existing although will be reduced in area. A screen has been included on the boundary to ensure privacy with this neighbour is maintained.
34. The detached neighbour to the east of the site is No. 20 Amy Road which, due to the sloping nature of the area, is sited lower and slightly further to the rear than the host dwelling at No. 18. The separation distance between the existing dwelling and the boundary is approximately 1.2m and although the two storey extension will project 4m from the rear elevation it will be built no closer to the boundary than the existing dwelling. Given the existing relationship between the two dwellings the proposed extension would project beyond the neighbour's rear wall by approximately 3m.
35. There are changes proposed to the existing fenestration arrangement within the eastern elevation at ground floor level where five windows are shown on the plans to serve a study/snug, WC, utility and stairwell. A window is also

proposed serving the stairwell to the lower ground floor accommodation. The third party has quoted DP7 (7) which requires that where habitable rooms of properties are in direct alignment a minimum distance of 22m will be required and goes on to state that in most circumstances a minimum distance of 14m will be required between principal windows of existing dwellings and the walls of new buildings without windows. It is noted that there is a dormer within the west facing roof slope of the neighbouring dwelling which looks out onto the roof of the application site and no other windows within their west flank wall. As there are no principal windows within the neighbouring flank wall or within the eastern flank wall of the proposed extension and no windows within direct alignment between the two sites, the minimum distance for windows would not apply in this instance. However, it is proposed to add an obscure glazing condition to the windows within the extension to ensure privacy to the neighbour. There is already a degree of mutual overlooking between the two properties onto the amenity space with from the current arrangement and this is not considered to increase significantly from the proposed extensions. There will be very limited harm from the lower ground floor level and with a 2m fence proposed along the boundary with the neighbour, this will reduce the impact from the ground floor.

36. A further condition restricting the use of the lower ground floor level is considered reasonable to protect the amenities of neighbours.
37. 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.

Other Matters

38. A third party has commented that the Council's planning software programme shows a loss of light from 3:30pm. However, it is pertinent to note that this is a guidance tool provided on a website at suncalc.org. The 'loss of light' to a property can only be demonstrated through a light and shade survey which has not been provided as part of this application.
39. 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.

Conclusion

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

RECOMMENDATION:

Grant subject to conditions

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 0087-SK-300 Rev P2, 0087-SK-101 Rev P7, 0087-SK-200 Rev P6, 0087-SK-010 Rev P3, 0087-SK-030 Rev P1, 0087-SK-020 Rev P3 received on 11th May 2023, 0087-SK-100 Rev P9 received on 19th May 2023 and red-edged site plan received on 12th September 2022. 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. Before the development hereby approved is occupied the windows within the lower ground and ground floor eastern flank elevation of the proposal shall be fitted with obscure glass and shall be non-opening unless the part(s) of the window(s) which can be opened is/are more than 1.7m above the floor of the room in which the window(s) is/are 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.

5. The lower ground floor annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 18 Amy Road, Oxted RH8 0PX or as otherwise renamed in the future.

Reason: To ensure that the accommodation remains at all times incidental to the main use of the property as a single, family dwelling and ensure a satisfactory form of development 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.