

WA/2023/00190 – Erection of an additional floor to create 2 flats together with alterations to existing building at NETHERWOOD COURT FILMER GROVE GODALMING GU7 3AF

Applicant: Mr Daniel Wright - Netherwood Court Management Company Ltd
Parish: Godalming CP
Ward: Godalming Charterhouse
Grid Reference: E: 497118
N: 144440
Case Officer: Tracy Farthing
Neighbour Notification Expiry Date: 23/02/2023
Expiry Date/Extended Expiry Date: Extension of time requested.
Committee Meeting Date: 28th June Planning Committee

RECOMMENDATION That, subject to conditions, permission be **GRANTED**

1. Summary

The application has been brought before the Planning Committee at the request of the Ward Member Councillor Steve Williams who wished for further consideration to be given to neighbour complaints and impact on residential amenity.

2. Site Description

The application site is situated at the end of Filmer Grove in Godalming and features a three storey block of flats, providing 12 two-bedroom flats. The application site is flanked by adjoining properties Brockton (flats 1-10), Woodpeckers, 14 Moonraker Chalk Road, 16 Chalk Road and 12 Meadow Stray Chalk Road.

The site is bounded to the north west by the railway line. There are also a number of trees around the site, more so outside the boundary fencing adjacent to the railway line.

The building is designed in a typical 1960's style, with a flat roof. The site is positioned up the hillside and is visible from inter alia, the land adjacent to the Lammas Land, and a riverside walk. To the rear and up the hill is the treed Godalming Hillside.

3. Proposal

Erection of an additional floor to create 2 flats together with alterations to the existing building.

The application proposes the erection of an additional storey – in the form of a pitched roof, above the existing building to provide space for two flats. The building would increase in height by approximately 2.6 metres, raising the total height to approximately 13.4 metres. There would be rooms within the pitched roof space, dormers and a balcony for each flat.

Alterations to the elevations would include the pitched roof space dormers and balcony for each flat, new windows/doors to match existing uPVC, glass balustrades, a privacy screen for each balcony and new rooflights. Use of materials would include brick to match the existing, timber cladding (naturally treated timber) and the existing cladding painted in RAL 7016 (Anthracite Grey). The front door would also be replaced with an Anthracite grey door. Three additional parking spaces would also be created.

4. Relevant Planning History

Reference	Proposal	Decision
PRA/2021/0005	General Permitted Development Order 2015, Schedule 2, Part 20, Class A - Prior Notification Application for 3 new dwellings on detached blocks of flats (as amended by plans received 23.02.21)	PRIOR APPROVAL REQUIRED AND REFUSED 26/03/2021
WA/2019/0183	Erection of an extension to provide 2 additional dwellings along with alterations to the elevations and associated parking (revision of WA/2018/1123) (as amended by plans received 14/06/2019).	GRANTED 12/07/2019 (not implemented)

5. Relevant Planning Constraints

Developed Area of Godalming
Ancient Woodland 500m Buffer Zone
Wealden Heaths I SPA 5km Buffer Zone
TPO on site

6. Relevant Development Plan Policies and Guidance

- Waverley Borough Local Plan (Part 1): Strategic policies and sites (adopted February 2018): SP1, TD1, NE1, NE3
- Godalming Neighbourhood Plan (made August 2019): GOD5, GOD6
- Waverley Borough Local Plan (Part 2): DM1, DM2, DM4, DM5, DM9, DM11, DM13.

Other guidance:

- The National Planning Policy Framework 2021 (NPPF)
- The National Planning Practice Guidance 2014 (NPPG)
- Residential Extensions Supplementary Planning Document 2010 (SPD)
- Council's Parking Guidelines (2013)
- Surrey Vehicular and Cycle Parking Guidance (2018)
- National Design Guide (2019)
- Climate Change and Sustainability Supplementary Planning Document (October 2022)

7. Consultations and Town/Parish Council Comments

Godalming Parish Council	Objection on the grounds of overdevelopment and scale and bulk of proposal
County Highway Authority	No objection
Natural England	No objection

8. Representations

7 letters have been received raising objection on the following grounds:

- Overlooking to properties 12-18 Chalk Road
- The proposal is not compliant with the Godalming Neighbourhood Plan
- Loss of light to Brockton
- Impact upon the roofline and increased prominence on the Hillside and from Lammas Land and Phillips Memorial Park
- The proposal does not provide necessary housing such as affordable units
- Anomalies in the planning statement

9. Planning Considerations:

10. Planning history and differences with previous proposal

The planning history is a material consideration.

Planning permission has been previously granted under reference WA/2019/0183 for the erection of an extension to provide 2 additional dwellings along with alterations to the elevations and associated parking. This permission was not implemented.

The differences between the current proposal and that application are:

- Elevational changes. The existing cladding is proposed to be painted RAL 7016 (Anthracite Grey)
- A new front door is proposed in Anthracite Grey

- 1 Additional parking space is proposed than the previous scheme

The test is whether having regard to the changes, the current proposal is materially more harmful than the approved scheme.

11. Principle of development

The site falls within the developed area of Godalming wherein the principle of development is acceptable subject to visual and residential amenity considerations.

12. Design and impact on visual amenity

Within its immediate vicinity the site is of limited prominence. At the end of Filmer Grove where Netherwood Court sits, it is characterised by flatted development. The neighbouring property Brockton is of similar size. The site is also bordered by the railway line to the west, which is sunk lower than the surrounding land, and Branksome House to the north.

Whilst it is of limited prominence within the context of Filmer Grove, it is a highly visible building from the south. From the south, the treed hillside provides an important and sensitive context and place forming element for the town of Godalming. The hillside is clearly visible in public views from the riverside walkways, other footpaths and public buildings.

The proposal would, arguably, be an architectural design improvement by replacing the flat roof with a pitched roof. It would result in an increased built form massing and height, visible from the public vantage points across the Lammas Lands and from the well used riverside walk to the south. This bulk, massing and height is tempered by the shallow pitch of the roof and a modest height increase of 2.6 metres. In design terms, the new roof is considered to integrate well with the existing building. The roof material would be slate. The timber panels would be vertically proportioned and would be located on all four elevations.

The proposed development would be higher than the neighbouring building (Brockton), however the resultant building reads as a modest step up in height from Brockton that is proportionate and would not result in visual harm. As a result of the shallow slope of the roof and the visual improvement this brings to the building, the resultant development would not disrupt views of the hillside when viewed from the public vantage points to the south.

Overall, the development is considered acceptable in design terms and with regard to its impact in views of the hillside.

The proposal would therefore accord with Policy TD1 of the Local Plan (Part 1) 2018, GOD5 of the Godalming and Farncombe Neighbourhood Plan (made August 2019), Policies DM1 c) and DM4 of the Local Plan (Part 2) 2023.

13. Impact on residential amenity

Policy TD1 of the Local Plan (Part 1) 2018 and Policies DM1 and DM5 of the Local Plan Part 2 (2023) seeks to ensure that new development is designed to create safe and attractive environments that meet the needs of users and safeguard the amenities of existing and future occupiers.

The proposed development is similar in size, scale and window position to that approved under WA/2019/0183.

The flatted block at Brockton, to the east of the application site, has a window on the facing side elevation. The distance between the buildings at their closest point is just over 2 metres. Owing to its position officers consider that this window is already adversely impacted by Netherwood Court and accordingly do not consider that the proposal would result in an additional loss of light or overbearing impact to this window. Furthermore, planning documents held on file under reference GOD221/71 suggests, and an officer visit has confirmed, that the side window is not the sole window to serve the living area of Flat 6 and that there is a window on the northern elevation out onto the balcony. As such, the proposal would not conflict with the Residential Extensions SPD, which states that “If the side window is a secondary window or one to a non-habitable room, then the loss of light will be less important.”

The top flats of Brockton also have balconies. At this point, however, the buildings are separated by approximately 10 metres. Given this distance and the relatively modest increase in height, officers do not consider that the proposal would result in harm by way of overbearing impact. While there would be some loss of light, owing to its orientation this would be limited to evening sun to the extent that officers do not consider it to be a material loss of light.

The balconies on the proposal have privacy screening protecting neighbours.

The proposed balconies are set back from the balconies below and there would be no material adverse effect on light or overbearing impact on other properties in Netherwood Court.

The proposed building is set at an elevated position to the rear of properties on Chalk Road. The additional height would result in greater presence, however, in terms of overbearing development and loss of light, the separation distance is sufficient to ensure that there is no material impact.

The boundary between Netherwood Court and the properties of Chalk Road is vegetated and provides some screening. Whilst the proposal would see additional residential units provided with views towards the properties of Chalk Road, the properties are separated by a distance of over 23m between elevations and 16.8m from the rear of Netherwood Court to the shared boundary. The window to window

distance is compliant with the guidance set out in the Residential Extensions SPD (of 21m) whilst the 16.8m falls slightly below the 18m suggested in the SPD with regards to amenity space, this is considered, in this instance, to be acceptable given the boundary screening, it is also noted that these guidelines may be relaxed if the character of the immediate suggests that lesser distances may be appropriate, in this case the existing building is located at the distance of 16.8m already and therefore considered to be acceptable.

It is noted that under PRA/2021/0005, overlooking was considered to be material and harmful, that prior approval differed from the proposed plans (and that of WA/2019/0183) under that scheme, additional (and significantly larger) windows were proposed serving the units on the norther parts of the buildings and the resulting building was much taller in height.

The proposed development would not result in harm to the residential amenity of neighbouring properties in accordance with Policy TD1 of the Local Plan Part 1 2018, Policy GOD5 of the Godalming and Farncombe Neighbourhood Plan (made August 2019), retained Policies DM1 and DM4 of the Local Plan Part 2 2023.

14. Biodiversity and compliance with Habitat Regulations 2017

The NPPF requires that when determining planning application, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles.

If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for then planning permission should be refused. In addition, circular 06/2005 states 'It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before planning permission is granted.'

The application property does not fall within a designated SPA, SAC, SNCI or SSSI. It is not within 200m of ancient woodland or water, and is not an agricultural building or barn. The site is formed of a residential flatted building within the developed area of Godalming, the surrounding grassed amenity space is maintained regularly and hardstanding and vehicle parking occupy the remaining grounds of the site. Having regard to this, and the completed biodiversity checklist, it is considered that a biodiversity survey is not required in this instance and no concern is raised with regards to biodiversity.

As such, the proposal would accord with Policy NE1 of the Local Plan (Part 1), Policy DM1(g) of the Local Plan (Part 2) and the NPPF.

15. Impact on Trees

The application site is located in a verdant location, however is not subject to Policy GOD12 as the site does not fall within a designated Godalming Hillside area. Notwithstanding this, several mature trees are featured either on or adjacent to the site. The scheme does not propose any felling of trees or significant works to trees and the 2 additional dwellings would be constructed atop an existing flat block.

The Council's Tree Officer has reviewed the application and has identified that one of the four proposed parking spaces, P-23, is proposed to be constructed within the root protection area of an offsite mature Oak and would severely impact upon the structure and health of this tree long term.

Having advised the applicants of this, the space has been removed to avoid harm to the tree. However, it has not been possible to relocate this space elsewhere in the site.

All other aspects of the proposal are acceptable subject to appropriate tree protection conditions.

As such, the proposal would therefore be in accordance with Policies NE2 and TD1 of the Local Plan (Part 1) 2018 and Policy DM11 of the Local Plan (Part 2) 2023.

16. Parking and Highway

The proposal initially proposed 4 additional parking spaces to serve the 2 additional dwellings in accordance with the Council's Policies. However, noting the above, 1 space was removed and as a result the parking provided falls slightly short of the required provision by 1 space.

The County Highway Authority has considered the application in the light that it is a private road with their responsibility being the surrounding network. The County Highway Authority has considered the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway.

The site is in a sustainable location approximately 1km from the town centre with a bus service in close proximity. In these circumstances and in the absence of an objection from the County Highways Authority, it would be difficult to demonstrate harm to surrounding residents resulting from the under provision of 1 parking space. Therefore, whilst the proposal is not entirely in line with the requirements of Policy GOD6 of the Godalming and Farncombe Neighbourhood Plan, it is considered that it is broadly in line with the Development Plan as a whole in that material harm would not arise.

Furthermore, officers note that this would accord with the adopted Climate Change and Sustainability (WBC, Oct 2022), with reference to chapter 7.5, which states; *'Waverley's current transport emissions highlights that there is a need to change travel*

habits through promoting home working and encouraging the use of sustainable transport modes'

In addition, the proposed development would accord with Policy CC2: Sustainable Construction and Design, which states that 'the Council will seek to promote sustainable patterns of development and reduce the level of greenhouse gas emissions by being designed to encourage walking, cycling and access to sustainable forms of transport.

Officers consider the proposed development within a sustainable location to be an acceptable approach and as such, the proposal would accord with Policies ST1 and CC2 of the Local Plan (Part 1) 2018, Policy DM11 of the Local Plan (Part 2) 2023, Policy GOD6 of the Godalming and Farncombe Neighbourhood Plan and the provisions of the NPPF 2021.

17. Climate Change and Sustainability

Policy CC1 of the Local Plan (Part 1) 2018 seeks to support development which contributes to mitigating and adapting to the impacts of climate change, including measures that use renewable and low carbon energy supply systems.

Policy CC2 of the Local Plan (Part 1) 2018 seeks to promote sustainable patterns of development and reduce the level of greenhouse gas emissions.

Policy DM2 of the Local Plan (Part 2) 2023 states that all development should seek to maximise energy efficiency and reduce carbon emissions through its design, structure, orientation and positioning, landscaping and relevant technology.

The Council's Climate Change and Sustainability SPD (October 2022) is relevant.

A Climate Change and Sustainability Checklist has been submitted in support of the application.

The proposals include features such as southern facing windows to assist with solar gain, whilst retaining trees on site and incorporating a roof overhang for shading.

The design statement states that solar panels and air source heat pumps will be provided 'where appropriate', with regards to this statement, none has been explicitly demonstrated on the plans and whilst the addition of solar panels would generally be supported by the Council, it is agreed that the location of these should be appropriate given that the property is highly visible from the south, and that solar panels could cause glare and visual harm if applied on the southern roofslope (the most sensible roofslope with regards to solar gain). If solar panels are to be provided, this shall only be in accordance with a scheme to be submitted and approved by the Local Planning Authority.

Other measures noted in the Climate Change and Sustainability Checklist, relate to biodiversity enhancements, noted as:

- o Retention of existing landscaping including lawn, unmown areas, hedges, trees and other vegetation.
 - o Installation of bird and bat boxes, swift bricks and hedgehog tunnels on site;
- However, these have not been indicated on any plan.

Whilst Officers are confident that a number of sustainable measures could be incorporated into the scheme, it has not been sufficiently demonstrated that they will be and are stated as 'where appropriate' and 'where possible' within the applicants Design Statement. As such, it would be reasonable to apply a condition to secure the details of sustainable measures, particularly with regards to the provision (or not) of solar/PV panels, through the submission of a scheme of sustainability, prior to commencement of development to ensure the development is in accordance with the aims of the forementioned Policies and the thrust towards sustainable development.

In light of the above, and subject to an appropriately worded condition, the proposed development would accord with Policies CC1 and CC2 of the Local Plan (Part 1) and Policies DM1 and DM2 of the Local Plan (Part 2) 2023 and the objectives of the NPPF.

18. Other matters

The site is within 5km of the Wealden Heaths II Special Protection Area (SPA). The net addition of two residential units is not considered likely to have a significant effect on the SPA, and as such an Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 is not required. In drawing this conclusion regard has been had to guidance provided to the Council by Natural England.

The Council calculates it currently has 4.28 years worth of housing land supply. The 'tilted balance' at paragraph 11(d) of the NPPF is therefore engaged and the development plan policies most important in the determination of the application must be considered out-of-date. Permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits. In this case there would be no significant adverse impacts and a balancing exercise is not required.

19. Conclusion

The planning balance assessment concludes that the proposal is in accordance with the Development Plan, as such, planning permission is recommended for approval.

Recommendation

That permission be GRANTED subject to the following conditions:

1. Condition:

The development hereby permitted shall be begun before the expiry of three years from the date of the 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. Condition:

The plan numbers to which this permission relates are: P18-021: 001A, 002D, 101A, 102A, 103A, 104A, 111A, 112A, 113A, 114F, 115D, 301A, 302B, 303A, 304B, 311F, 312G, 313H, 314H, 316A, 317B and 800A. The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Reason:

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policy TD1 of the Local Plan 2018 (Part 1) and Policies DM1 and DM4 of the Local Plan Part 2 (2023).

3. Condition:

No variation of the type and colour of the external materials to be used in the construction of the development as shown on the submitted application form and drawings shall be made without the prior written consent of the Local Planning Authority.

Reason:

In the interest of the character and amenity of the area in accordance with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

4. Condition:

Prior to commencement of any works on site, demolition or other development activities, a scheme of tree protection (in line with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations) shall be submitted to and agreed by the Local Planning Authority in writing. Where relevant, such scheme shall also take "off site" trees into consideration. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without written consent of the Local Planning Authority.

Reason:

In the interests of the protection of the rooting areas of trees in the interests of the visual amenity and character of the area in accordance with Policies NE2 and TD1 of the of the Local Plan (Part 1) 2018 and Policy DM11 of the Local Plan (Part 2) 2023.

5. Condition:

The Local Authority shall be provided a minimum of 2 weeks written notice prior to expected commencement of demolition/construction activities. The written notice shall include visual physical evidence of ground and fence protection in accordance with the detail submitted pursuant to condition 4. This information shall be submitted to the Local Planning Authority and if considered appropriate shall provide written approval for the development to proceed.

Reason:

In the interests of the protection of the rooting areas of trees prior to construction in the interests of preserving the visual amenity and character of the area in accordance with Policies NE2 and TD1 of the of the Local Plan (Part 1) 2018 and Policy DM11 of the Local Plan (Part 2) 2023.

6. Condition:

Prior to the first occupation of the development the 1.8m high privacy screens as shown on drawing P18-021-P-114 Rev F shall be provided and retained as such in perpetuity.

Reason:

In the interests of neighbouring residential amenity, in accordance with Policies DM1 and DM5 of the Waverley Borough Local Plan Part 2 (2023) and Policy TD1 of the Local Plan Part 1 2018.

7. Condition:

The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason:

In recognition of Section 9 of the NPPF 2021 "Promoting Sustainable Transport" and in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and DM9 of the Local Plan (Part 2) 2023.

8. Condition:

No development shall take place until an appropriately detailed scheme of sustainable construction and carbon reduction measures shall be submitted to the Local Planning Authority for approval in writing. The development shall thereafter proceed in accordance with these approved details

Reason:

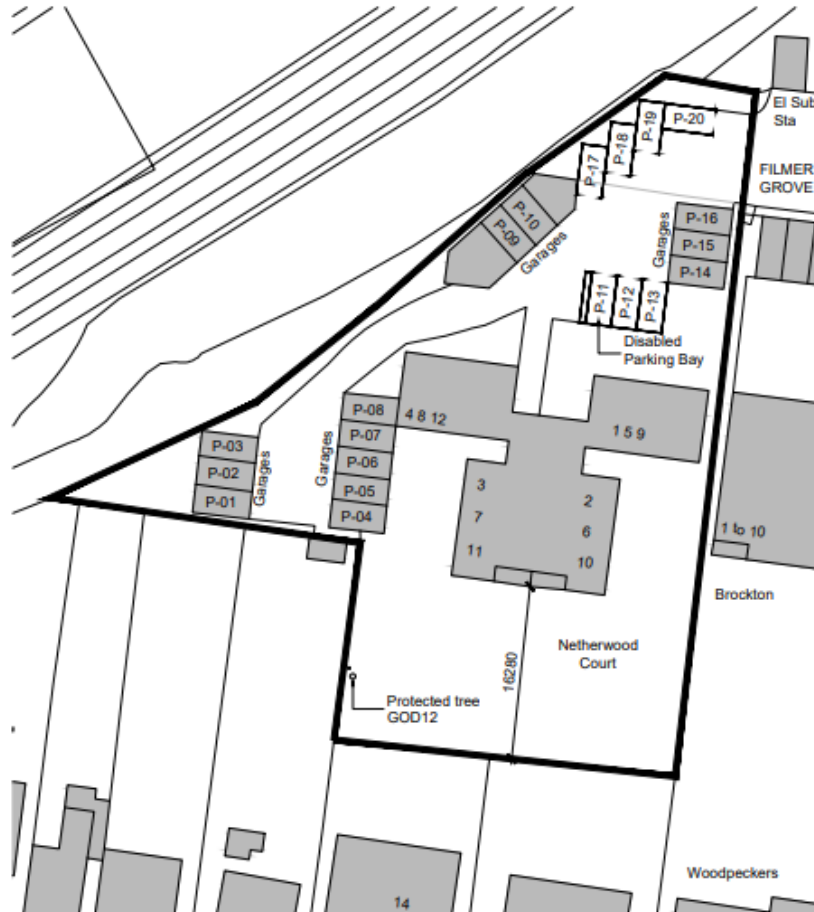
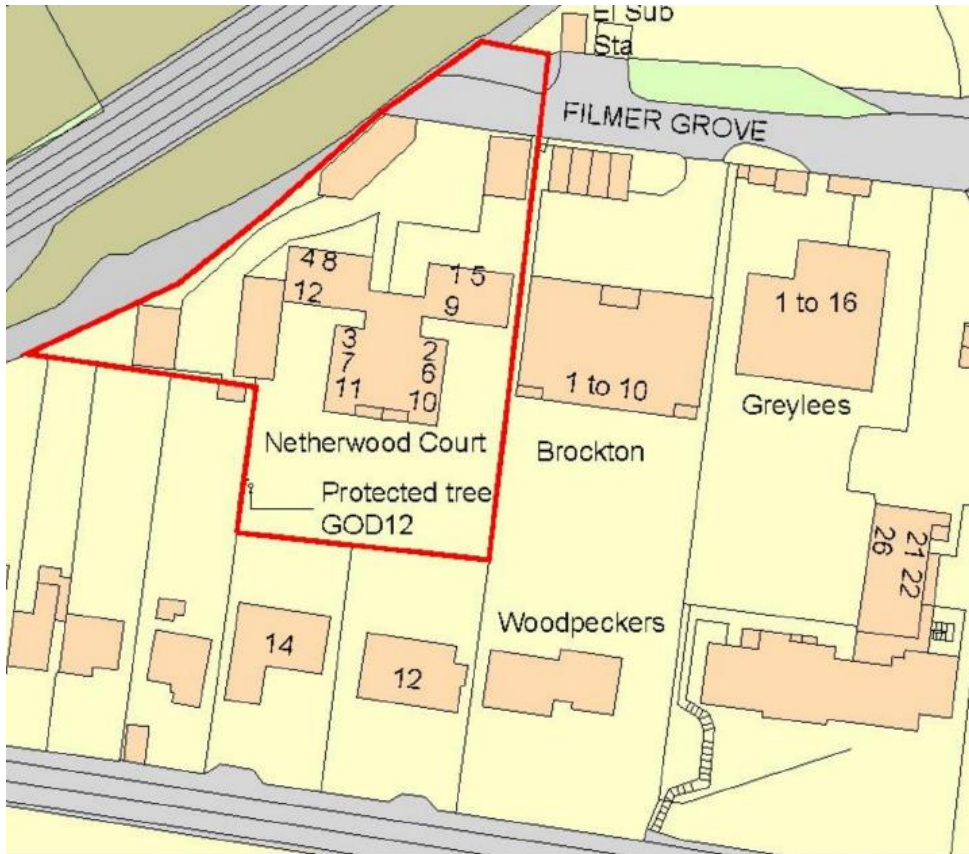
To ensure sustainable construction and design in accordance with Policies CC1 and CC2 of the Local Plan (Part 1) and Policies DM1 and DM2 of the Local Plan (Part 2) 2023 and the objectives of the NPPF.

Informatives:

1. Community Infrastructure Levy (CIL)- - The development hereby permitted is CIL liable. - - 'CIL Form 6: Commencement Notice' must be received by the Council prior to the commencement of development. Commencement of development is defined in Regulation 7 of the CIL Regulations 2010 (as amended).- - Failure to adhere to the CIL Regulations and commencing work without notifying the Council could forfeit any rights you have to exemptions, payment by instalments and you may also incur surcharges.- - For further information see our webpages (www.waverley.gov.uk/CIL) or contact CIL@waverley.gov.uk
2. This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at Waverley Borough Council, The Burys, Godalming, Surrey GU7 1HR, telephone 01483 523029 or e-mail - waverley.snn@waverley.gov.uk - For further information please see the Guide to Street and Property Naming on Waverley's website.- -
3. "IMPORTANT" This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised.
4. There is a fee for requests to discharge a condition on a planning consent. The fee payable is £116.00 or a reduced rate of £34.00 for household applications. The fee is charged per written request not per condition to be discharged. A Conditions Discharge form is available and can be downloaded from our web site.- - Please note that the fee is refundable if the Local Planning Authority

concerned has failed to discharge the condition by 12 weeks after receipt of the required information.

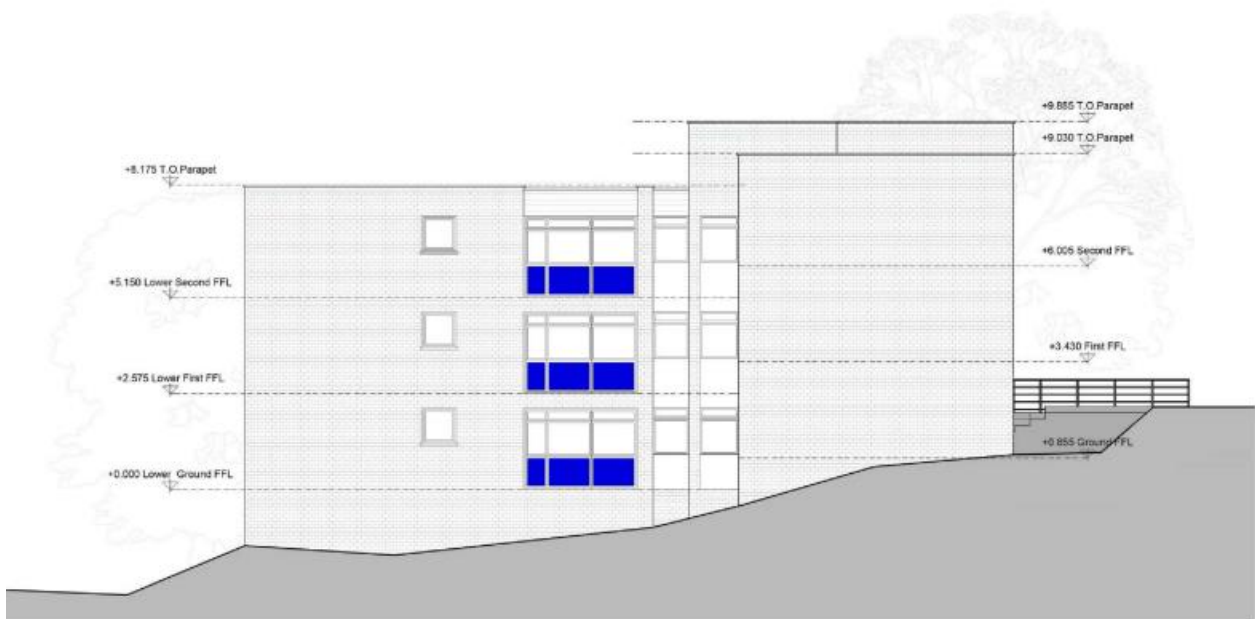
Plans



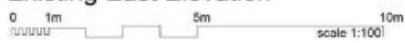
Existing Plans and Elevations

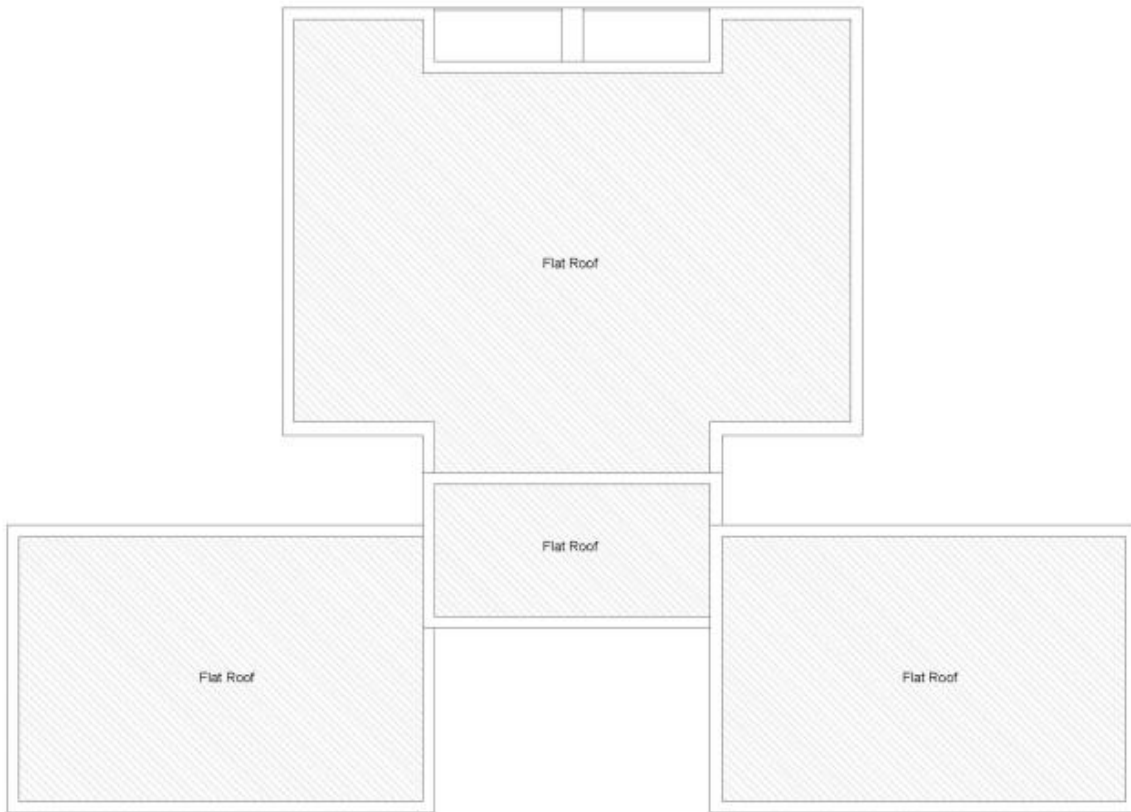


Existing South Elevation



Existing East Elevation





Existing Roof Plan



Proposed Plans



Proposed Block Plan



