

WA/2023/02717 – Construction of patio and retaining walls (retrospective). at LAMMASBANK 26 CHALK ROAD GODALMING GU7 3AP

Applicant: Mr & Mrs J Swadling
Parish: Godalming
Ward: Godalming Binscombe & Charterhouse
Grid Reference: E: 497053
N: 144415
Case Officer: Gillian Fensome
Neighbour Notification Expiry Date: 08/01/2024
Expiry Date/Extended Expiry Date: 06/02/2024 / 08/03/2024

RECOMMENDATION That subject to conditions, permission be GRANTED

1. Summary

This application has been brought before the Council's Planning Committee as a result of a request made by the Ward Councillor.

2. Site Description

The application site is located on the north side of Chalk Road near Godalming Town centre. The property is a detached dwelling house located on a plot that has a steep gradient from north to south. The property is sited within a residential street facing Lammas Lands. The site at the rear of the property faces the railway line which runs between Portsmouth and London Waterloo.

3. Proposal

This is a retrospective application for the retention of a patio and retaining walls within the front garden of the property. The front garden has been remodelled to provide:

- Front patio area and grassed area
- Ground level of top patio/grassed area raised by 1 metre with a depth of 1.5 additional metres
- Stone retaining walls
- Small picket fence
- Lower landscaped area
- New pathway to left hand side up to front door on left hand side of the property

4. Relevant Planning History

Reference	Proposal	Decision
PRA/2020/0022	General Permitted Development Order 2015, Schedule 2, Part 1, Class AA -	PRIOR APPROVAL NOT REQUIRED 21/12/2020

WA/1989/2032	Prior Notification Application for enlargement of a dwellinghouse by construction of additional storey. Erection of rear extension and conversion of roof area to provide two bedrooms and bathroom.	GRANT 28/12/1989
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5. Relevant Planning Constraints

- Ancient woodland within 500 metres
- Wealden Heaths SPA 5km zone
- EA flood zone 2

6. Relevant Development Plan Policies and Guidance

- Waverley Borough Local Plan (Part 1): Strategic policies and sites (adopted February 2018): SP1, TD1, NE1
- Waverley Borough Local Plan (Part 2) 2023: DM1,, DM4, DM5
- Godalming Neighbourhood Plan (made August 2019): GOD5, GOD6

Other guidance:

- The National Planning Policy Framework 2023 (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 TC no objection

8. Representations

One letter has been received raising objection on the following grounds:

- Visually intrusive upon neighbouring occupiers with a raised seating and viewing area which also dominates the view from the neighbouring property.
- Extension to the front patio of 6 to 9 metres depending on where measurement is taken from (Officer note: there were two previous areas of patio to the front and the extension beyond these is 1.5 metres. This is discussed further below).
- Ground levels raised up to 1 metre plus a wooden picket fence.
- Overlooking of neighbouring property due to their property being at a higher level and raised garden extending south.
- Potential noise and disturbance.

- Removal of vegetation on site and effects of development on existing vegetation.
- Effects on stability of land (Officer note: the work has been carried out and officers are not aware of any adverse effects on the stability of the land having been raised as an issue to date. Any adverse future effects would be a private/civil matter rather than a planning issue).

All other issues raised are addressed in sections below.

9. Principle of development

The site is located within the developed area of Godalming. The principle of development within the curtilage of an existing development is acceptable, subject to compliance with relevant planning policies.

10. Character and design and impact on visual amenity

The property is located on the northern side of Chalk Road and overlooks Lammas Lands to the front. It is bounded to the rear by the railway line. The rear garden is slanted backwards from left to right, due to the boundary with the railway line being at an angle.

The current proposal is for a front patio/lawned terraced area raised in height by 1 metre and in depth by 1.5 metres.

The front garden is stepped, as it slopes downwards to the front. The front garden has a pleasant outlook towards views of Lammas Lands and it provides a quieter environment than the rear garden, which abuts the railway line.

As a result, the applicants wish to maximise the use of their front garden. The garden area has been raised and a patio and lawned area and a small picket fence has been added. The main part of the patio area is located on the side nearest to the neighbour at 28 Chalk Road, in a stepped in location out of view from the neighbouring property where the applicants have a table, chairs and barbecue set up. The rest of the terraced area is laid to grass for the benefit of the applicants' young children. There is a small picket fence which provides some safety/security.

The front garden of any property can be used in the same way as a rear garden. Many of the other properties on this stretch of the street contain front patio and seating areas, which are designed to enjoy the views from their properties over the Lammas Lands and to be away from the disturbance of the train line in the rear garden area.

Prior to the patio and retaining walls being built, there were two smaller front patios. This would have provided two sitting out areas to the front of the property, one of which was closer to 28 Chalk Road and the other closer to 24 Chalk Road. There would have been views from both patios towards those neighbouring properties and vice versa.

Due to the above factors and the limited extension of 1.5 metres in depth and 1 m in height than the previous patios on the property, the proposal is considered acceptable in character/design terms.

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

11. Impact on residential amenity

Whilst the development that has been carried out does represent a change, in that the terraced area is wider, slightly deeper and higher than previously, these changes do not make such significant impacts on neighbour amenity in terms of overlooking, noise and disturbance as to warrant a refusal of this application.

There is no change to the spacing between the properties or to the site levels nearest to the dwellings. The terrace level has been raised from a point 5 metres beyond the rear elevation of the property. The area at that point is laid to grass, not patio and the barbecue/seating area is much nearer to the host property and in a position completely clear in view from the neighbouring property at 24 Chalk Road. The additional depth of the terrace area is only 1.5 metres from the previous terraces.

Whilst there will be some noise and disturbance from the use of the lawned area mainly by young children given that a front garden can be used in this way without the need for planning permission it is not considered that the development results in a harmful increase in noise and disturbance. The use of this area would be similar to the use of any other rear garden space.

For the above reasons, the proposed development would not result in significant harm to the residential amenity of neighbouring properties in accordance with Policies TD1 of the Local Plan (Part 1) 2018, DM5 of the Local Plan (Part 2) 2023, GOD5 of the Godalming and Farncombe Neighbourhood Plan (made August 2019) and the Residential Extensions SPD.

12. Effect on Wealden Heaths SPA

The proposed development is for a front patio and terraced area would not result in an increase in the number of people permanently residing on the site and therefore would not have a likely significant effect on the integrity of the SPAs in accordance with Policy NE1 of the Local Plan 2018 (Part 1). An appropriate assessment is not therefore required.

13. Biodiversity and compliance with Habitat Regulations 2017

The proposal is located within an existing residential front garden and no significant biodiversity issues are raised by the proposal. There is no policy requirement for biodiversity net gain for such a small scale proposal.

The proposal would accord to Policy NE1 of the Local Plan (Part 1), Policy DM1 of the Local Plan (Part 2) and Paragraphs 179 and 180 of the NPPF 2023.

14. Trees and vegetation

Part of the objection stated that vegetation had been removed to build the proposal and there may be impacts on trees. Whilst bushes and vegetation have been removed planning permission is not required to remove vegetation within this garden.

15. Climate Change & 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 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 use of water butts. These measures are considered proportionate to the scale of development proposed and would comply with the relevant policies and guidance. No concern is therefore raised.

16. Conclusion

For the reasons set out above it is concluded that the retention of this patio would not cause harm to the character of the area or result in an unacceptable loss of amenity to adjoining residents in terms of noise and disturbance or overlooking.

1. No material variation to the approved plans as listed below shall take place unless otherwise first agreed in writing with the Local Planning Authority:

Location plan
Block plan MLP/02
Section plans MLP/03
MLP01A
MLP02A
MLP03A

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 (Part 1) 2018 and Policies DM1, DM4 and DM5 of the Local Plan (Part 2) 2022.