



## Site Description

This application relates to a two storey detached dwelling on the eastern side of Foxborough Hill.

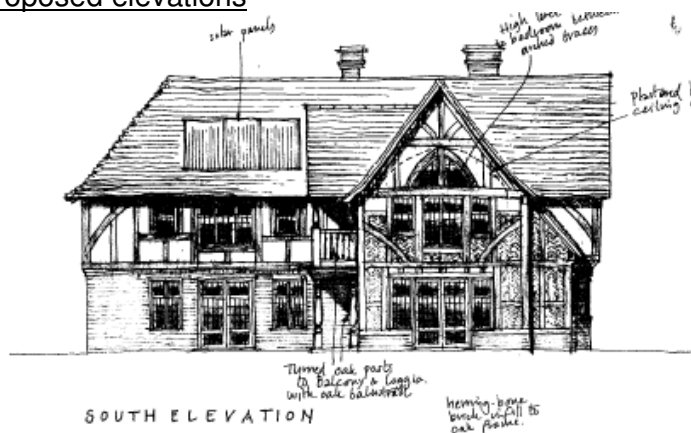
The property sits in a large plot and is set back and on higher ground than the road. To the rear of the site, the land slopes steeply down to the east and there is a disused Quarry within the site.

The site adjoins a residential property to the south and open land and woodland to the north and east. There is also substantial screening along the western boundary.

## Proposal

The application proposes the demolition of the existing dwelling and its replacement with a two-storey dwelling on the site with a basement. The orientation of the new dwelling would be north-south.

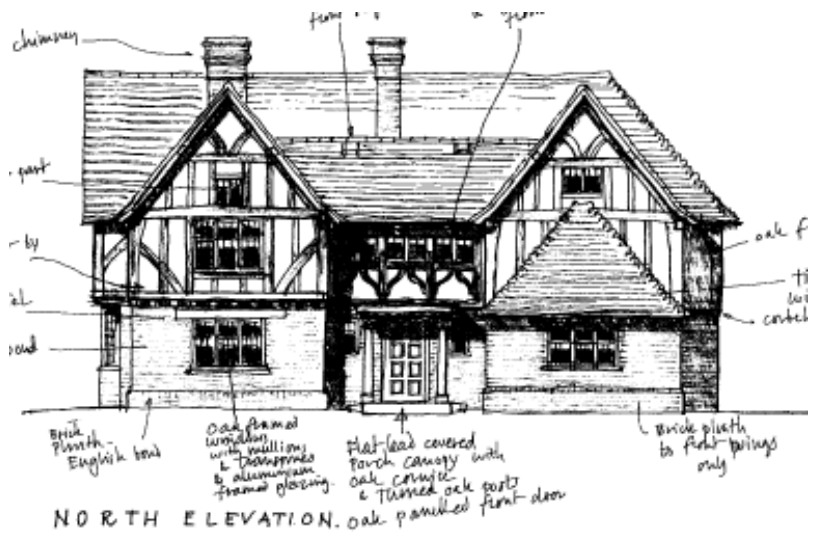
## Proposed elevations



South elevation



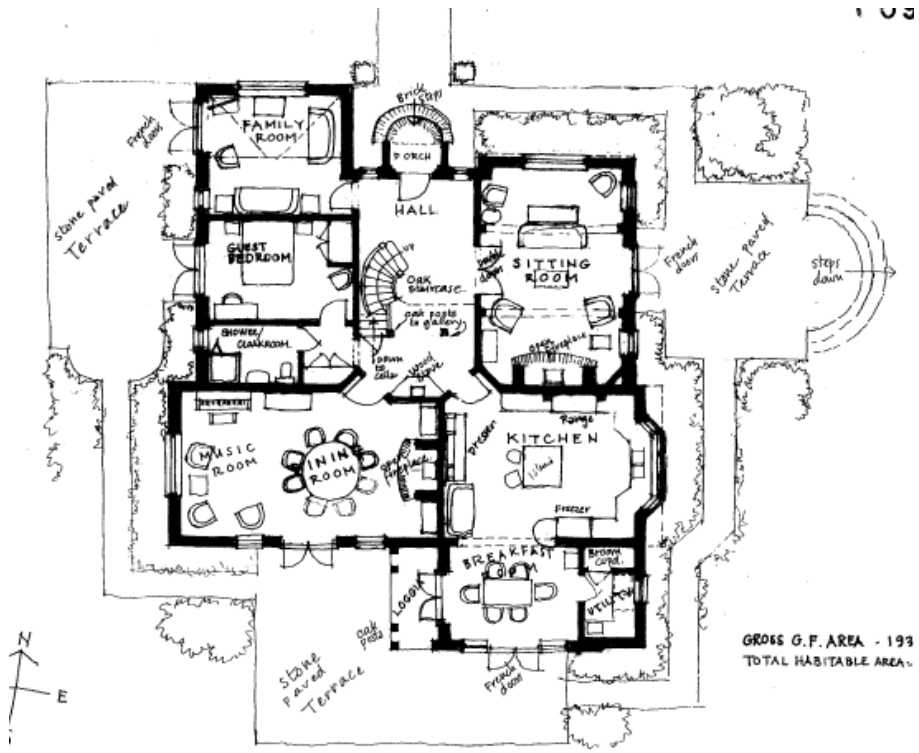
West elevation



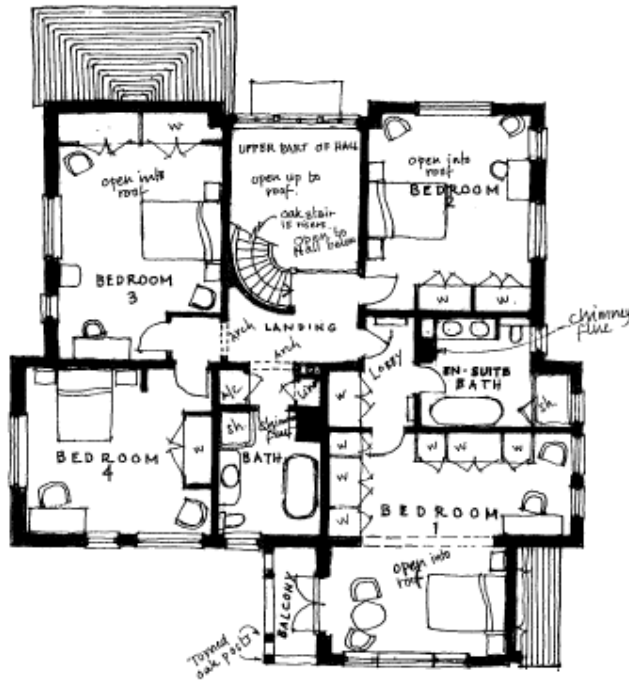
North elevation



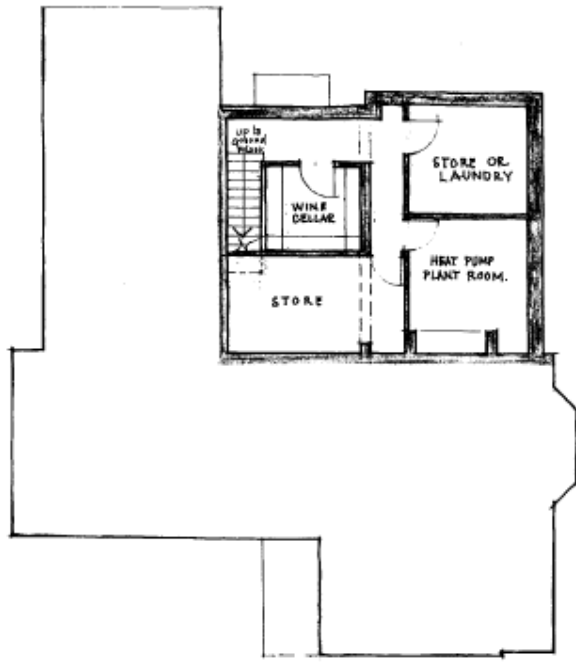
East elevation



Ground floor plan



First floor plan



Plan of  
basement



Previously approved elevations under WA/2009/0209

### Relevant Planning History

WA/2009/1403	Erection of a replacement dwelling (revision of WA/2009/0209).	Withdrawn 24/11/2009
WA/2009/0209	Erection of replacement dwelling with basement.	Full Permission 11/05/2009 subject to s.106 agreement
WA/2008/1097	Erection of a replacement dwelling (as amended by plans received 03/07/08 and 23/07/08 and amplified by emails dated 07/07/08, 08/07/08 and 11/07/08).	Resolved to grant permission subject to S106 being completed 15/09/2008 Agreement not signed
WA/2008/0234	Erection of extensions following demolition of part of existing dwelling (revision of WA/2007/1751).	Full Permission 07/04/2008
WA/2007/1751	Erection of extensions and alterations following part demolition of existing dwelling (as amplified by letter dated 28/09/07 and plans received 1/10/07).	Withdrawn 20/12/2007

### Planning Policy Constraints

Green Belt  
Outside settlement area  
AONB  
AGLV  
Section 106  
Heritage Feature (disused quarry)  
Potentially contaminated land

### Development Plan Policies and Proposals

Policies D1, D3, D4, C1, C3, HE10 and RD2A of the Waverley Borough Local Plan 2002  
Policies SP5, CC6 of the South East Plan 2009

### Consultations and Town/Parish Council Comments

County Highway Authority	No requirements
Town/Parish Council	No objection

## Representations

None

## Determining Issues

The site is within the Green Belt outside any defined settlement area wherein there is a general presumption against inappropriate development. Any development which would materially detract from the openness or visual amenity of the Green Belt will not be permitted.

The site is within an AONB and AGLV; strong protection will be given to ensure the conservation and enhancement of the landscape character and natural beauty.

The site is within an area of potentially contaminated land and there should be no detriment to the proposed development as a result of this designation.

## Supporting statement

The agent has submitted a supporting statement explaining the design of the proposal.

The proposal has an oak framed structure constructed in the traditional vernacular jointed and pegged technique, with brickwork to the ground floor. The basic form of the approved building is retained in the design with gables to all four elevations, with the exception of the one in the centre of the north elevation. A cross-roof would run between the two side gables, with a range of windows running for the full width and oak framing with agee bracing to reflect the elevation of Edwin Lutyens Long Gallery at Munstead Wood.

## Planning Considerations

The application is for a replacement dwelling within the Green Belt countryside. Therefore Policy RD2A of the Local Plan applies to the proposed. In summary, this states that replacement dwellings should not be materially larger than the dwelling they replace (guideline figure of 10% floor space increase), be acceptable in design terms and not be more prominent or intrusive within the countryside.

The application follows the previously approved applications WA/2008/1097 and WA/2009/0209, which were agreed by the committee. The main changes between this application and the previously approved applications are the design of the proposed dwelling and the increase of the floor area by 2%. As the principle of the dwelling has been established on the two previous applications the main issue for members to consider is whether the current proposal is materially more harmful than the previously agreed schemes having regard to the changes that have been introduced.

It is clear from the table below, that the proposed replacement dwelling would be materially larger than the dwelling it replaces in terms of floor area. The proposed replacement dwelling would have a slightly higher ridge height than the existing dwelling.

	<b>Original/ Existing Dwelling</b>	<b>WA/08/0234</b>	<b>WA/08/1097</b>	<b>WA/2009/0209</b>	<b>WA/2009/1772</b> (current proposal)
Floor Area	267.1 sq m	374.81 sq m	374.81 sq m	374.81sq.m Non – habitable 55.4sq.m	383sq.m Non-habitable 55.4sq.m
Ridge Height	8.0m	8.35m	8.35m	8.35m	8.2m
Percentage increase		40.3% over original	40.3% against existing	40.3% against existing plus 55.4sqm non-habitable	43% against existing plus 55.4sq.m non-habitable

Table setting out total floor area of resultant dwelling.

The proposal involves an increase of 43% in habitable floor area over the existing dwelling. The new dwelling would, it is considered, be materially larger than Sandpits and this would materially conflict with Policy RD2A of the Local Plan. However, the previous permissions granted under WA/2008/1097 and WA/2009/0209 have established the principle of a replacement dwelling on this site. They were granted on an exceptional basis as it was agreed there was justification for replacing the dwelling rather than extending for structural reasons. The proposed basement would be non-habitable and would provide a utility room, plant room for the ground source heat pump, wine store and a store. From the plans and the agent's supporting letter no external windows or doors would be inserted in the basement and it would not be externally visible. The proposed basement remains the same size as the previous approval. The increase in floor area is 'above ground' and visible within the Green Belt, but only amounts to 2% increase over that previously approved. The case in favour of rebuilding rather than extending for practical/structural reasons which was the basis of an exception to policy in the previous application remains and can be regarded as very special circumstances in this proposal. The addition of 2% of floor area would be within the latitude of Policy RD2 and therefore materially no more harmful than the previous approval.

The proposed design of the dwelling is considered acceptable. The design has an arts and crafts appearance that would be in keeping with the Surrey vernacular. The design of the dwelling would be more interesting and an improved design on the previous proposal. The scale, proportions, bulk and massing would be similar to the previously approved and therefore that proposal is considered to be acceptable.

It is considered that the proposal would satisfactorily enhance the site and the landscape character and natural beauty of the site and therefore the proposal is considered to comply with Policy C3.

It is therefore considered that the permission should be granted subject to a legal agreement to ensure that the basement is not converted to habitable accommodation and no further extensions are carried out on the replacement dwelling. The agreement would be necessary, as on the previous scheme, to ensure the policy objectives are not undermined.

#### Renewable energy

The applicant has supplied information stating that solar panels and a ground source heat pump will be installed. A condition should be attached to ensure that the solar panels and ground source heat pump will provide 10% of the energy requirement if permission is granted.

#### Conclusion

The previous resolutions to grant permission for WA/2008/1097 and WA/2009/0209 are material considerations. The principal difference between the current application and the previous application agreed by the committee is the design of the property and a small increase in floor area. The proposed design of the dwelling is considered to be an improvement and the 2% increase is not considered to be materially harmful to the openness of the Green Belt. Whilst the proposed dwelling does not accord with Policy RD2A of the Local Plan it is considered that there are very special circumstances, which outweigh the harm to the Green Belt.

## **Recommendation**

That subject to the prior completion of a legal agreement by 01/03/10, at the applicant's own expense to prevent further extensions to the replacement dwelling permission be GRANTED subject to the following conditions:

1. Condition  
The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building(s).

### Reason

In the interest of the amenities of the area, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

2. Condition  
The solar panels and ground source heat pump shall be installed and become operational in accordance with the approved details upon the first occupation of the development and be retained and maintained or replaced with alternative renewable technology which would meet at least 10% of the energy consumption on site.

### Reason

To maintain and enhance the quality of the environment and to comply with Policy D3 of the Waverley Borough Local Plan 2002.

4. Condition  
No development shall take place until details of the existing and proposed ground levels of the site and the ground levels of the building hereby permitted have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

### Reason

In the interest of the character and amenity of the area in accordance with4 and Policies C1, C3, D1 and D4 of the Waverley Borough Local Plan 2002.

5. Condition  
No development shall take place until details of earthworks involved in reinstating the site of the existing dwelling have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading of land areas including levels and contours to be formed, showing the relationship of the proposed landform to the existing. Development shall be carried out in accordance with the approved details.

Reason

In the interest of the character and amenity of the area in accordance with Policies C1, C3, D1 and D4 of the Waverley Borough Local Plan 2002.

6. Condition

Notwithstanding the provision of Section 55(2)(d) of the Town and Country Planning Act 1990, the basement area hereby permitted shall not be used for habitable accommodation without the prior approval of the Local Planning Authority.

Reason

Having regard to the restrictive policies in the area and to accord with Policies C1 and C3 of the Waverley Borough Local Plan 2002.

7. Condition

The plan numbers to which this permission relates are [SP4/012B, SP4/015, 09063/04A, 09063/03A, SP4/013A, 09063/05, 09063/02D, 09063/01D09063-P09063/E01]. 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 Policies D1 and D4 of the Waverley Borough Local Plan 2002.

**SUMMARY OF REASONS FOR GRANTING PERMISSION**

The development hereby granted has been assessed against the following Development Plan policies: Policies C1, C3, D1, D3, D4, HE10 and RD2A of the Waverley Borough Local Plan 2002, Policies SP5, C3 and CC6 of South East Plan 2009 and material considerations, including third party representations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest.

**Informatives**

1. "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.

2. On 6 April 2008 a new fee was introduced by the Town and Country Planning (Fees of Applications and Deemed Applications) (Amendment) (England) Regulations 2008. This fee relates to requests to discharge a condition on a planning consent. The fee payable is £85.00 or a reduced rate of £25.00 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.