

PART 6: Planning Applications for Decision

Item 6.5

1 APPLICATION DETAILS

Ref: [16/03888/P](#) (*link to relevant documents on the Planning Register*)
Location: Land to the rear of 31-33 Croham Valley Road, CR2 7JE
Ward: Selsdon and Ballards
Description: Erection of a four bedroom single storey detached house with basement; provision of associated parking (without compliance with condition 7 – development to be carried out in accordance with approved plans – attached to planning permission 15/04683/P).
Drawing Nos: 1604/P/100 Rev A, 1604/P/101 Rev A, 1604/P/102 Rev A, 1604/P/103 Rev A, 1604/P/104 Rev A, 1604/P/105 Rev A
Applicant: Mr Owens
Case Officer: Hayley Crabb

- 1.1 This application is being reported to committee because the Croham Valley Residents Association made representations in accordance with the Committee Consideration Criteria and requested committee consideration and objections above the threshold in the Committee Consideration Criteria have been received.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 Planning permission has previously been granted for the erection of a detached single dwelling (15/01937/P), as well as one that incorporates a basement area (15/04683/P).
- 2.2 The proposed basement and window changes would be a minor material amendment to that previously granted.

3 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission.
- 3.2 That the Director of Planning & Strategic Transport is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

- 1) Details of materials to be agreed
- 2) Planting scheme to be approved, implemented and retained for 5 years
- 3) Bin and bike stores to be provided
- 4) Energy efficiency measures to be incorporated

- 5) Visibility splays to be provided
- 6) Works to be carried out in accordance with the approved plans
- 7) Commence within 3 years from the date of the 15/04683/P permission
- 8) Any other planning condition(s) considered necessary by the Director of Planning & Strategic Transport

Informatives

- 1) Community Infrastructure Levy liability
- 2) Notification of Construction Code of Practice
- 3) Removal of Site Notices
- 4) Any other informative(s) considered necessary by the Director of Planning & Strategic Transport

4 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 This is a section 73 application which seeks to amend plans granted under application number 15/04683/P in the following ways:
- Extension of basement (to provide a utility room, gym, cinema and en-suite bathroom)
 - Provision of two high level windows in the south-western elevation
 - Provision of a larger window in the north-eastern elevation
 - Minor alterations to the fenestration

Site and Surroundings

- 4.2 The application site is located on the north eastern side of Croham Valley Road (a local distributor road), on the western side of the junction with Ballards Rise. Number 33 is currently a two storey detached property. The proposed backland development would front onto Ballards Rise.
- 4.3 Croham Valley Road is characterised by detached properties set back from and fronting the road, set in relatively generous plots. There are three houses at the end of Ballards Rise which also have spacious grounds. There is a significant rise in land levels from Croham Valley Road up Ballards Rise of at least a storey.
- 4.4 The area of the site constitutes a “wooded hillside” and the land to the North of Ballards Farm Road is designated as Metropolitan Green Belt. It has a Public Transport Accessibility Level (PTAL) of 1b, considered to be “poor”.

Planning History

- 4.5 The following planning decisions are relevant to the application:

07/00115/P Erection of detached three bedroom house at rear with integral garage, formation of vehicular access onto Ballards Rise.
Refused on grounds of character of the locality, unsatisfactory cramped backland development, detrimental to the amenities of adjoining occupiers from loss of privacy, poor outlook and visual intrusion and inadequate private amenity space

10/00910/P Erection of a detached two bedroom bungalow at rear; formation of vehicular access onto Ballards Rise
Refused on grounds of character of the locality, unsatisfactory cramped backland development and detrimental to the amenities of adjoining occupiers from loss of privacy and visual intrusion
Appeal dismissed on character ground only

14/02840/P Erection of a detached house and detached garage, provision of associated parking
Refused on grounds of character of the locality, unsatisfactory cramped backland development and detrimental to the amenities of adjoining occupiers from visual intrusion
Appeal dismissed on character ground only, stating:

15/01512/P Erection of a detached house and associated parking and landscaping.
Refused on same grounds as the above, being a very similar scheme

15/01937/P Erection of a detached three bedroom house and provision of associated parking
Approved but not implemented

15/04683/P Erection of four bedroom single storey detached house with basement; provision of associated parking
Approved but not implemented

5 CONSULTATION RESPONSE

5.1 The views of the Planning Service are expressed in the Material Planning Considerations section below.

6 LOCAL REPRESENTATION

6.1 The application has been publicised by way of one or more site notices displayed in the vicinity of the application site. The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:

No of individual responses: 16 Objecting: 16 Supporting: 0

6.2 The following local group made representations:

- Croham Valley Residents Association [objecting]

6.3 The following Councillor made representations:

- Councillor Sara Bashford [objecting]

6.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Objections

- Out of keeping/character with other buildings and the area
- The proposal will set a precedent for future development
- Overdevelopment of the site/out of keeping with the character of the area and detrimental to the appearance of the street scene
- Siting of house out of character on a wooded hillside/backland site/misfit on the hillside
- Provide substandard accommodation/relationship to adjacent properties
- Only 2 spaces for vehicles (no visitor parking)/prejudice emergency and refuse collection
- Backland development out of keeping with the character of the area and detrimental to the host properties
- Shortened garden would be out of character with the size of gardens in the area
- Property would be contemporary in design which would be higher than the houses in Croham valley Road and would not respect their height
- Impact on residential amenity due to visual intrusion and loss of privacy
- Impact on the Metropolitan Green Belt, Croham Hurst Golf Course and Royal Russell School.
- Excavation/increase in floorspace/alter the water table/flooding
- Impact on wildlife due to development and impact on existing vegetation

6.5 The following issues were raised in representations, but they are not material to the determination of the application:

- Should build the modest building (Officer comment: Each application is judged on its own individual merits)

7 MATERIAL PLANNING CONSIDERATIONS

7.1 The main planning issue raised by the application that the committee must consider is whether the increase of the basement area, two high level windows,

larger window in the north-eastern elevation and minor alterations to the fenestration are considered to be a material change from the original consent.

- 7.2 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied (in this case condition 7).
- 7.3 Planning Practice Guidance (PPG) sets out the restrictions under which section 73 can be used. There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.
- 7.4 Planning permission has been granted for the erection of a single storey detached house with basement and provision of associated parking under application number 15/04683/P and therefore a house on this plot with basement has been established.
- 7.5 This proposal seeks to enlarge the basement area which would be contained within the footprint of the approved scheme (the single storey ground floor element). The proposed basement would provide a utility room, gym, cinema and en-suite bathroom. Visually, given this basement is located underneath the proposed house with no light wells (as the rooms provide non-habitable accommodation) there would be no difference from the previous permission when viewed from Ballards Rise. No additional bedrooms are proposed and therefore this scheme would not give rise to any increase in the number of vehicles and would have no significant effect on highway safety
- 7.6 The two high level obscurely glazed windows in the south-western elevation would serve bathrooms and would result in no loss of privacy to adjoining occupiers. The provision of a larger window in the north-eastern elevation would result in the same impact as in the approved scheme. The minor fenestration changes to the front and rear elevations would have no impact on surrounding occupier amenity and maintain the strong contemporary design approach.
- 7.7 Given the above, the modest changes to the scheme are considered to be minor material in their nature and the section 73 application should be granted.

Conclusions

8.1 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.