

# CHAPTER 14 - CONTROL OF DEVELOPMENT

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## **14.1**            **INTRODUCTION**

14.1.1        The main function of the District-wide Plan is to provide a basis for the control of development. The development control function constitutes a very cost-effective and influential means of achieving many of the Plan's objectives. The Plan will be the foremost consideration in determining applications for planning permission.

14.1.2        Control of development policies apply to various kinds of proposals throughout the Borough. All other policies in the Plan should be read in conjunction with this chapter: a land-use which is in principle appropriate to the site must also meet criteria which apply generally, such as protection of residential amenity, comprehensive treatment of large areas, access for people with disabilities and designing to deter crime.

14.1.3        The policies in this chapter can be divided into four groups.

- a)        Policies which set constraints on all types of development. These are primarily concerned with infrastructure and the environment, including issues such as planning obligations, pollution and energy conservation.
- b)        Policies expressing the Council's concerns about social aspects of design, covering people with disabilities and crime deterrence.
- c)        Policies which ensure that development takes account of the development potential and amenity of adjoining sites.
- d)        Detailed design policies which apply to specific types of proposal and which do not readily fall into another chapter, particularly householder development, and telecommunications.

Many of these have been developed and refined by the Council over a number of years to meet the particular circumstances of the Borough and are unique to Epsom and Ewell Borough Council.

14.1.4        Additional aspects of design guidance and illustrations of appropriate designs are included in the Plan's companion volume of Supplementary Planning Guidance. Some design guidance is also being prepared specifically for the development of former hospital sites within the Borough and this is contained in development briefs being issued for each Hospital in turn.

14.1.5        To avoid unnecessary delay and expense, applicants are advised to contact the Council's planners before submitting a formal planning application, especially if they are unsure about Council policies which would affect their proposal. Planning officers will normally be available during office opening hours to give advice over the telephone, but applicants should make an appointment if they wish to meet a planning officer at the Town Hall to discuss a proposal. A brief telephone call to the Council before sending in an application can often save time and money later.

## **14.2**            **POLICY CONTEXT**

### Government Policy

- 14.2.1        The Government considers that plans should set out the Council's policies for the control of development, allowing for change whilst protecting and enhancing the environment. Some specific topics have been highlighted for attention in Local Plans and are dealt with in this chapter. These include infrastructure and planning obligations, the minimisation of pollution and visual intrusion, noise, access, crime prevention, physical safety, flooding, the amenity of residential districts, the relationship of a development to its surroundings and the conservation of energy.
- 14.2.2        The Government's regional advice concentrates on sustainability, economic recovery, the creation of a good urban environment and the protection of valuable environmental assets. The advice defines sustainable development as "Development which meets the needs of the present without compromising the ability of future generations to meet their own needs".

### County Structure Plan Policy

- 14.2.3        Surrey County Council operates a similar planning strategy involving a high quality and sustainable environment, the provision of adequate infrastructure for Surrey people, and the renewal of wealth creation in a way which conserves existing qualities of environment and infrastructure.
- 14.2.4        County policies cover developer contributions to infrastructure, control of flooding, protection of the character of urban areas, access for disabled people, and waste minimisation and recycling.

## **14.3**            **OBJECTIVES**

- 14.3.1        The control of development chapter is concerned primarily with the design of new development and its relationship with its surroundings. New development should protect existing environmental quality and amenity, and provide an acceptable living environment for new occupants. This broad-ranging concern includes aspects from water quality to flooding to noise pollution to privacy.
- 14.3.2        These aspects overlap with the need to secure sustainable development. More sustainable development patterns are likely to be more dense and involve a greater mix of uses, therefore controls which protect neighbours from new development will be increasingly important.
- 14.3.3        The Council will endeavour to combine its local environmental concerns with the requirements of sustainability in pursuit of the following objectives for control of development:

1. To ensure that new development does not overload local infrastructure and takes proper account of the need to protect natural resources;
2. To ensure that new development creates a safe and accessible environment for all parts of the community;
3. To ensure that the attractiveness and character of each area is protected from inappropriate uses and designs, and in particular to protect residential amenity from any harmful effects of commercial, institutional, or householder development.

## 14.4 **GENERAL POLICY**

14.4.1 The Council is committed to promoting a high standard of development which will enhance the quality of life in the Borough and make a positive contribution to the character and appearance of each area; the Council will seek to resist proposals that would be detrimental. General Policy DC1 seeks to protect amenity throughout the Borough, and complements more detailed design criteria in Plan Policy BE19 of Chapter 6 - Built Environment. In addition, Chapter 6 gives guidance on particular criteria relating to conservation areas and historic buildings. Many parts of the Borough which are not formally designated also have a special character that should be protected when new development occurs, and the Council will produce supplementary planning guidance to promote sensitive design in such areas.

### **DC1 PLANNING PERMISSION WILL ONLY BE GRANTED FOR DEVELOPMENT WHICH SATISFIES THE FOLLOWING CRITERIA:**

- (I) THE DEVELOPMENT WOULD NOT CAUSE SERIOUS HARM TO THE LIVING CONDITIONS OR OPERATIONAL EFFICIENCY OF ADJOINING PROPERTIES IN RELATION TO THE IMPACT IT HAS ON:- THE OUTLOOK; THE AMOUNT OF DAYLIGHT, SUNLIGHT, AND PRIVACY; AND THE LEVEL OF NOISE, FUMES, VIBRATIONS AND GENERAL DISTURBANCE IN THE AREA;**
- (II) THE DEVELOPMENT WOULD NOT CAUSE SERIOUS HARM TO THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA. THE DEVELOPMENT SHOULD USE APPROPRIATE MATERIALS AND BE DESIGNED TO BLEND WITH THE LOCALITY;**
- (III) IN THE CASE OF RESIDENTIAL PROPOSALS, THE DEVELOPMENT WOULD PROVIDE ACCEPTABLE LIVING CONDITIONS FOR PROSPECTIVE OCCUPANTS IN TERMS OF:- DAYLIGHT, SUNLIGHT AND PRIVACY; NOISE INSULATION; INTERNAL AND EXTERNAL**

## **SPACE; PEDESTRIAN AND VEHICULAR ACCESS AND EGRESS.**

### **14.5 PLANNING BENEFITS AND PERCENT FOR ART**

- 14.5.1 Wherever appropriate, the Council will use conditions attached to planning permission to achieve the Plan's objectives. However, such conditions must relate to land in the control of the applicant, and must deal strictly with planning requirements rather than with tenure or land-ownership. Negative conditions will be used to ensure that development is not completed and occupied before essential services to the new properties are in place.
- 14.5.2 Planning law also allows for planning obligations, under which the Council may enter into legal agreements (Section 106 agreements) by negotiation with developers, or developers may provide unilateral undertakings. These obligations may have a more wide-reaching role in enhancing development proposals. They will typically be the mechanism used to ensure that the development is provided with infrastructure and service facilities which involve works which are not on the development site.
- 14.5.3 All development is likely to impose a burden upon physical or social infrastructure and services, and some new provision will generally be needed. Public bodies are seldom in a position to fund additional infrastructure and services, and therefore a payment or contribution will be expected from the developer to allow for phased provision and maintenance of all facilities made necessary by new development.
- 14.5.4 Agreements and obligations may also be used to secure implementation of Local Plan policies or to offset the loss of (or impact on) any amenity damaged by the development. The Council considers that all major development should provide overall benefits to the Borough, and should provide for the special needs of the range of people using the development. Developers are expected to be willing to enter into planning obligations to ensure that the community at large benefits rather than suffering from their development. Although opportunities for large-scale development in the Borough are limited, developments such as the Hospitals Cluster and major sites in Epsom town centre are expected to involve prior commitment to phased completion of all necessary infrastructure and also provision of facilities to the benefit of the Borough as a whole.
- 14.5.5 Facilities secured as part of planning obligations may be provided directly by developers or funded by payment to another provider. Developers should expect to contribute according to the particular impact of their development and needs which would arise from it; no comprehensive list of facilities can be provided. However, the following are items towards which contributions will commonly be sought:
- utilities infrastructure, including sewers and other services formerly provided by statutory undertakers;
  - transport infrastructure including provision of public transport, cycling and pedestrian facilities and traffic management;

- providing a variety of housing types including affordable housing, housing for elderly people, and housing for disabled people;
- environmental enhancement measures including landscaping, planting, nature reserves, rehabilitation of buildings, streetscaping and street furniture;
- closed-circuit TV and other crime prevention measures;
- recreational and leisure facilities including community centres, sports facilities and open space;
- education and health care facilities including school buildings and health centres;
- waste management facilities including litter bins and recycling facilities;
- works of art in public places; and
- any other needs generated by the users of the development.

The Council acknowledges that the benefits which may be sought are those which are fairly and reasonably related, in scale and kind, to the proposed development.

14.5.6 The Council will seek to negotiate with developers of appropriate sites to secure a proportion of the cost of development (ideally 1% or more) for a "Percent for Art" programme. Works of art can enhance the quality of life in the Borough through their contribution to environmental improvement and the local sense of identity. They can also assist economic development by enhancing the image of the Borough held by visitors and potential investors.

14.5.7 Not all works of art will be suitable for all locations, and as part of the programme the Council will identify particular sites for particular types of works, showing the sites in development briefs as appropriate. Developers will then be able to consider commissioning work directly or collaborating with the Council to contribute to art on a programme site. Developments which are likely to attract visiting members of the public or incorporate large public spaces, particularly in Epsom town centre, are likely to offer the best opportunities for enhancement by art.

**DC2 PLANNING PERMISSION WILL ONLY BE GRANTED FOR DEVELOPMENT WHICH MAKES PROVISION FOR ANY NECESSARY SUPPORTING INFRASTRUCTURE, FACILITIES AND SERVICES. NEGATIVE PLANNING CONDITIONS AND LEGAL AGREEMENTS WILL BE USED TO SECURE PROVISION AS APPROPRIATE.**

**PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH WOULD CAUSE NET HARM TO THE BOROUGH. A NET BENEFIT TO THE BOROUGH WILL BE SOUGHT BY NEGOTIATION FROM EACH DEVELOPMENT IN PROPORTION TO ITS SCALE.**

## **14.6 SURFACE WATER AND RUN OFF AND THE FLOODPLAIN**

- 14.6.1 A considerable amount of development has taken place on the floodplains of rivers and consequently people and property in these areas are at an increased risk from flooding. Development on the floodplain also reduces its capacity and impedes the flow of water thereby increasing the risk of flooding elsewhere. It is essential therefore to control further development in the floodplains of rivers. Anywhere in the Borough, development and redevelopment can exacerbate flooding and drainage problems and add to water pollution by increasing surface water run-off. Developers are advised to consider the potential for decreasing the number of impermeable surfaces in their proposal, and for attenuating run-off flows using features such as ponds and ditches, without damage to water quality.
- 14.6.2 Applicants who are considering undertaking development within the floodplain, or likely to involve increased surface water run-off, are advised to contact the Environment Agency at the earliest opportunity for detailed guidance. An applicant may be required to undertake a detailed hydrological/ hydraulic survey. If remedial works are needed, developers will be expected to enter into a legal agreement to contribute to their funding.

**DC3 PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH WOULD RESULT IN AN ADVERSE IMPACT ON THE WATER ENVIRONMENT DUE TO ADDITIONAL SURFACE WATER RUN-OFF, OR ADVERSELY AFFECT AREAS AT RISK FROM FLOODING, UNLESS SATISFACTORY MEASURES HAVE BEEN SECURED TO CONTROL RUN-OFF AND ALLEVIATE OR MITIGATE FLOOD RISKS.**

## **14.7 POLLUTION**

- 14.7.1 As indicated in section 14.4 and Policy DC1, new development should protect quality of life in the Borough. It should not cause serious harm to residential amenity through noise, vibration, fumes and emissions, or traffic generation, and should respect the privacy of adjoining premises.
- 14.7.2 Many aspects of the emission of pollutants are controlled by specific legislation other than the Town and Country Planning Act, and the planning system may not duplicate these controls. Guidance on such measures to minimise emissions arising from development (such as traffic arrangements, noise insulation, fans and extraction equipment) can be obtained from the Borough's Building Control, Highways, and Environmental Health Divisions.
- 14.7.3 However, the planning system does have a role in determining the location of potentially polluting development, and controlling new development that might be affected by emissions. The Local Plan should seek to separate potentially polluting development from other land-uses, and consider the likely impact such development on health, the natural environment and general amenity. As the Borough is largely residential and semi-rural in character, the environment has

minimal capacity for accommodating new pollution sources without damage to amenity.

14.7.4 Artificial light is increasingly being perceived as a form of pollution. Illuminated advertisements, floodlit sports facilities, security lights and street lights can all contribute to pollution such as sky glow and glare. They can damage visual amenity, disturb people's sleep, and affect local ecology.

14.7.5 Planning control over artificial light other than advertisements is generally limited to new structures or works which are integral to other development. However, where planning permission for artificial light sources is required, the Council will seek to prevent detrimental impact on surrounding areas. Impact will be minimised by ensuring that artificial light is carefully sited, appropriately shielded, directed only onto the specific area where it is needed, and designed at the minimum height and brightness to serve its purpose. Where appropriate, the Council will use conditions to limit the hours of illumination. Developers' attention is drawn to the Institute of Lighting Engineers' publication "Guidance notes for the reduction of light pollution".

**DC4 PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH WOULD:**

- (I) SIGNIFICANTLY INCREASE LEVELS OF POLLUTION, INCLUDING NOISE, ODOUR AND OTHER EMISSIONS TO AIR AND WATER;**
- (II) SIGNIFICANTLY INCREASE THE NUMBERS OF PEOPLE EXPOSED TO POTENTIAL POLLUTION SOURCES; OR**
- (III) INVOLVE ARTIFICIAL LIGHT LIKELY TO UNDULY INCREASE AMBIENT LIGHT LEVELS, OR CAUSE HARM TO WILDLIFE, LIVING CONDITIONS, OR THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA.**

**14.8 COLLECTION OF LITTER AND RECYCLABLE WASTE**

14.8.1 The waste local plan is the part of the development plan intended to deal with waste minimisation and recycling. The Surrey Waste Local Plan 1997, prepared by the County Council, contains a number of policies relevant to recycling of domestic waste. General policies favour locating waste-related facilities as close as practicable to the origin of the waste, and developing facilities for receipt, storage, sorting and transfer of waste on existing transfer stations and at industrial sites. The County Council also intends to consider favourably proposals for materials reclamation facilities, green waste composting, and waste treatment which involves the recovery of energy (possibly including combustion).

14.8.2 The Borough Council is a Waste Collection Authority, and is concerned that the resource of landfill sites is not diminished by using them for the disposal of

recyclable waste. In this role, it has already produced a Recycling Plan under Section 49 of the Environmental Protection Act 1990. The Council is committed to maximising the economic re-use of materials, and has established a network of collection sites for paper, glass and cans to facilitate recycling. In addition, the Council will encourage proposals for recyclable-waste collection-facilities as part of new development. However, recycling facilities such as bottle banks can be bad neighbours, and the Council will have full regard to the requirements of Control of Development Policy DC1 when considering proposals.

14.8.3 Litter is of major concern to local residents and the Council has adopted a "Litter Strategy" which commits it to the use of the full range of its powers to reduce the amount of litter in the Borough. The powers of the Council to deal with litter derive almost entirely from legislation other than that relating to town and country planning, but the Council will seek to ensure that any new development which generates litter incorporates litter bins and other appropriate facilities.

14.8.4 Developments which would be expected to support collection facilities include all significant retail and residential schemes. Retailers are major generators of waste and litter in terms of packaging; however, a great deal of recyclable waste is thrown away at home. Incorporation of facilities in these developments means that trips to collection points can be either local trips or multi-purpose trips combined with shopping. Litter bins need to be located in public places where packaging is likely to be discarded, such as take-away food outlets, tobacconists, and the recycling collection points themselves.

**DC5 PLANNING PERMISSION WILL ONLY BE GRANTED FOR DEVELOPMENT WHICH TAKES ACCOUNT OF THE NEED TO MINIMISE THE DISPERSAL OF LITTER AND TO FACILITATE THE COLLECTION OF RECYCLABLE WASTE AS APPROPRIATE. PLANNING PERMISSION WILL BE GRANTED FOR THE DEVELOPMENT OF SMALL-SCALE COLLECTION FACILITIES FOR INERT RECYCLABLE WASTE, SUCH AS GLASS, PLASTIC, CANS, PAPER AND CLOTHES.**

## **14.9 WATER RESOURCES AND QUALITY**

14.9.1 Demand for water throughout the Thames Region has been growing steadily. In some places this has led to a depletion of groundwater resources and a reduction of flow rates in rivers, to the detriment of water quality and the water environment. The quality of water in the Borough's river, streams, lakes and ponds is valid for a wide range of land uses and for amenity, fish and wildlife.

14.9.2 The phasing, distribution and design of development should take account of the ability of the infrastructure to meet the demands for water. The necessary infrastructure to overcome local variations in water supply can be developed, but the lead time may be considerable. It is therefore important that existing water resources are not prejudiced, in terms of quality or quantity. The Council will seek the views of the Environment Agency and water industry in assessing the impact of development proposals upon water resources. Groundwater extraction is of

particular importance to the Borough as it is used to supply many consumers locally.

**DC6 PLANNING PERMISSION WILL ONLY BE GRANTED FOR DEVELOPMENT FOR WHICH ADEQUATE WATER RESOURCES CAN BE SECURED WITHOUT DAMAGE TO WATER QUALITY OR TO THE WATER ENVIRONMENT. PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH IS LIKELY TO HAVE AN ADVERSE IMPACT ON THE QUALITY OF WATER RESOURCES AND SUPPLIES, INCLUDING THE QUALITY OF GROUNDWATER, WATER COURSES AND WATER BODIES.**

#### **14.10 CONTAMINATED LAND**

14.10.1 The Council is not currently aware of any development sites in the Borough which are contaminated in such a way as to seriously impede beneficial use. However, the Council is keen to ensure that any vacant sites which emerge can be developed safely. Possible sources of contamination include a previous use such as gas production, industry, landfill or sewage treatment. The Council will seek to identify contaminated land as required by the Environment Act 1995. Developers of land should undertake tests to ascertain whether any contaminants are present and ensure that their site is "suitable for use".

14.10.2 Risks from contaminated land include materials left in the soil, released into the air, or leached into water. If left untreated, contaminants may affect workers, occupiers, buildings or services, either on the site or nearby. Care should be taken throughout the development process, including preliminary investigations, as survey work such as borehole drilling may sometimes release contaminants. Although the Council has not yet identified contaminated sites in the Borough likely to come forward for redevelopment, it has set criteria which will be applied if any proposals emerge.

**DC7 WHERE IT IS CONSIDERED THAT LAND MAY BE AFFECTED BY CONTAMINATION, PLANNING PERMISSION WILL ONLY BE GRANTED FOR DEVELOPMENT PROVIDED THAT THE FOLLOWING CRITERIA ARE SATISFIED:**

- (I) ALL WORKS, INCLUDING INVESTIGATION OF THE NATURE OF ANY CONTAMINATION, CAN BE UNDERTAKEN WITHOUT ESCAPE OF CONTAMINANTS WHICH COULD CAUSE UNACCEPTABLE RISK TO HEALTH OR TO THE ENVIRONMENT;**
- (II) IT IS DEMONSTRATED THAT THE DEVELOPED SITE WILL BE SUITABLE FOR THE PROPOSED USE WITHOUT RISK FROM CONTAMINANTS TO PEOPLE, BUILDINGS, SERVICES OR THE ENVIRONMENT**

## **INCLUDING THE APPARATUS OF STATUTORY UNDERTAKERS.**

### **14.11 RENEWABLE ENERGY AND ENERGY CONSERVATION**

- 14.11.1 Renewable energy sources should be exploited wherever they have prospects of being both economically attractive and environmentally acceptable. However, opportunities for generation of renewable energy and use of waste energy are rather limited in the Borough. Most large areas of open land are designated as Metropolitan Green Belt, where power generation schemes would generally be inappropriate. At present, there are few industrial processes which might generate waste heat, and few high density residential areas which could benefit from a Community Heating Scheme. A study of potential sources in the south-east – "Renewable Energy in the SEEBOARD Area" - has been published jointly by SEEBOARD plc and the Government's Energy Technology Support Unit (ETSU).
- 14.11.2 Major proposals such as wind turbines are unlikely to be acceptable in the Borough. The mounting of solar panels and other small scale schemes are more likely to be appropriate provided that visual amenity can be protected. All proposals will be assessed against general Control of Development criteria, such as Policy DC1, devised to protect the character and appearance of areas affected by development. They will also be subject to the policies which protect special aspects of the environment, conservation areas and listed buildings, including those in Chapter 3 - Green Belt, Chapter 5 - Natural Environment, and Chapter 6 - Built Environment. In considering proposals, the Council will have careful regard to the possible problems involved in using newly established technology, such as the possibility of electro-magnetic TV interference, and the production of unpleasant odours from treating waste to produce gas.
- 14.11.3 Whilst the potential for development of renewable energy sources in the Borough is relatively limited, the development patterns and the details of building design can assist conservation of energy and allow people to choose energy efficient lifestyles. In general, Building Regulations require all components of new buildings and extensions to comply with standards for insulation and control of heat loss. The conservation of energy is also regarded as a key issue for development plans.
- 14.11.4 Energy uses which could be reduced in a well-planned development include artificial lighting, space heating, air-conditioning, the use of cars and domestic appliances. Buildings should be designed and orientated to minimise the need for mechanical ventilation and air conditioning, to minimise heat loss from north-facing windows, maximise natural light entry to south-facing windows, and avoid overheating from west-facing windows. The use of common walls, as with terraced housing, can significantly reduce winter heat loss without necessarily increasing sound travel between properties.
- 14.11.5 Developments designed with many inter-connected roadways and footways ("permeable developments") can significantly increase the possibilities for energy efficient transport, as they decrease journey times for pedestrians and cyclists and increase the potential for viable public transport: developers should, however, also

be aware of Policy DC11 (Design Against Crime) and the need to keep designs free of links which use secluded and poorly lit spaces.

- 14.11.6 People are increasingly inclined to use modern domestic appliances such as tumble dryers, which are very energy intensive. Developers who provide private gardens can contribute to residential amenity and help to reduce the use of these appliances by giving people the opportunity to dry their washing in the open air.

**DC8 PLANNING PERMISSION WILL BE GRANTED FOR DEVELOPMENT OF RENEWABLE ENERGY GENERATORS AND ASSOCIATED EQUIPMENT PROVIDED THAT SERIOUS HARM WOULD NOT BE CAUSED TO THE RESIDENTIAL AMENITY OR OPERATIONAL EFFICIENCY OF NEIGHBOURING PROPERTIES, EITHER DIRECTLY OR THROUGH UNCONVENTIONAL DISTURBANCES SUCH AS ELECTRICAL INTERFERENCE OR GAS MIGRATION.**

**DC9 PLANNING PERMISSION WILL ONLY BE GRANTED FOR DEVELOPMENT WHICH TAKES ACCOUNT OF THE FOLLOWING ASPECTS OF ENERGY CONSERVATION AS APPROPRIATE:**

- (I) THE ORIENTATION AND DESIGN OF BUILDINGS SHOULD MINIMISE THE NEED FOR ARTIFICIAL LIGHT AND HEAT AND ARTIFICIAL AIR COOLING;**
- (II) THE LAYOUT OF DEVELOPMENT SHOULD TAKE ADVANTAGE OF OPPORTUNITIES FOR USE OF COMMON WALLS TO LIMIT WINTER HEAT LOSS;**
- (III) THE LAYOUT OF DEVELOPMENT SHOULD MAXIMISE PERMEABILITY FOR PUBLIC TRANSPORT, PEDESTRIAN AND CYCLE ROUTES WITHIN THE CONSTRAINTS OF SECURITY, PERSONAL SAFETY AND CRIME PREVENTION;**
- (IV) RESIDENTIAL DEVELOPMENT SHOULD PROVIDE PRIVATE AMENITY SPACE WHICH CAN BE USED TO HANG OUT WASHING.**

## **14.12 ACCESS FOR PEOPLE WITH PHYSICAL AND SENSORY DISABILITIES**

- 14.12.1 One of the major difficulties experienced by people with physical and sensory disabilities is access to buildings. Most people will share these difficulties at some time in their lives; for example, they may have to push children in prams or buggies, they may suffer a broken limb, or they may find that their eyesight fails in older age. The Council therefore recognises that measures taken to cater for the

needs of disabled people can provide major benefits to the community at large. Part M of the Building Regulations now includes requirements which will assist disabled people to occupy and visit new dwellings. In the case of existing dwellings, minor adaptations such as downstairs bathrooms may significantly assist people in staying in their home during lifestyle changes; these will usually be designed to individual requirements. Design of householder development is covered by Policy DC17. In the case of non-domestic development, there are more general requirements as follows.

- 14.12.2 For most buildings which are used by the public or employees, there is an obligation on owners, developers and local councils under the Disabled Persons Act 1981 and Part M of the Building Regulations to ensure that the needs of disabled people are satisfied in any proposals for development or adaptation. Under the terms of the Disability Discrimination Act 1995, existing premises will be required to provide for disabled people from 2004. Attention must be paid to toilet facilities and internal circulation. External spaces are subject to planning controls. Car-parking and convenient entrances are particularly important, but the inclusion of additional dropped kerbs, footpaths and ramps can also contribute greatly to quality of life. The Council publishes requirements, standards and other advice which shows how proposals should be designed.

**DC10 NEW NON-DOMESTIC DEVELOPMENT WILL BE REQUIRED, AND ALTERATIONS TO EXISTING NON-DOMESTIC DEVELOPMENT WILL BE REQUIRED AS APPROPRIATE, TO PROVIDE FOR THE SPECIAL NEEDS OF PEOPLE WITH PHYSICAL AND SENSORY DISABILITIES IN TERMS OF ACCESS, LAYOUT, DETAILED DESIGN AND USE.**

## **14.13 DESIGN AGAINST CRIME**

- 14.13.1 The Council considers that development can be designed to improve personal security, reduce people's fear of public places, and deter many forms of crime, such as vandalism. In considering proposals for new development, the Council will therefore examine the design, layout and access arrangements with a view to their impact on crime and ease of maintenance, seeking to incorporate anti-graffiti materials, unobstructed views, well lit spaces and natural surveillance as appropriate.
- 14.13.2 The former Department of the Environment has circulated specific advice on "planning out crime". Local authorities are advised to consult the police where there is potential to eliminate or reduce criminal activity through design, especially in the case of major proposals such as housing estates, shopping or leisure centres and car parks. The Council will continue to notify the Police's Crime Prevention Design Adviser in Epsom of all applications registered. Developers of major proposals will be expected to consult the police at the pre-application stage, and to submit an audit with the application to show that all crime prevention concerns have been considered. Special attention will be paid to security concerns in the consideration of proposals for children's play areas, which should be designed to provide natural surveillance, protect children from crime and deter vandalism.

**DC11 PLANNING PERMISSION WILL ONLY BE GRANTED FOR DEVELOPMENT OF BUILDINGS AND OPEN SPACES (WHETHER PUBLIC OR PRIVATE) WHICH INCORPORATE DESIGN, LAYOUT AND ACCESS MEASURES THAT TAKE ACCOUNT OF THE NEED FOR SECURITY, PERSONAL SAFETY AND CRIME PREVENTION, INCLUDING DETERRENCE OF VANDALISM.**

**14.14 COMPREHENSIVE TREATMENT OF LARGE AREAS**

14.14.1 Most parts of the Borough are characterised by a multiplicity of small land ownerships. It is desirable that where development in such areas is appropriate, and provided that constraints of conservation and historic buildings are respected, schemes are designed in a comprehensive way rather than incrementally. This is in order to achieve properly co-ordinated development and the benefits flowing from that, such as integrated design, a reduced number of access points to a classified road, or a rationalisation of common service or parking areas.

14.14.2 It is not always possible to achieve comprehensive development and, where sites are redeveloped individually, proposals will be expected to take account of the needs of neighbouring properties in order that their redevelopment may not be prejudiced unduly.

**DC12 WHERE INDIVIDUAL PROPOSALS WOULD PREJUDICE THE SUCCESSFUL DEVELOPMENT OF AREAS COMPRISED OF A NUMBER OF SMALLER LAND OWNERSHIPS, THE COMPREHENSIVE TREATMENT OF THE LARGER AREA WILL BE REQUIRED. WHERE COMPREHENSIVE TREATMENT IS NOT POSSIBLE, THE DESIGN OF DEVELOPMENT ON INDIVIDUAL SITES MUST TAKE INTO ACCOUNT THE NEEDS OF NEIGHBOURING PROPERTIES PARTICULARLY IN RELATION TO POSSIBLE IMPROVEMENTS TO ACCESS, CAR-PARKING AND SERVICING.**

**14.15 RESIDENTIAL INFILLING AND BACKLAND DEVELOPMENT**

14.15.1 At present there is a 5 year supply of land for private house building within the plan area. In addition, the Plan provides for around 1500 dwellings on former hospital sites within the Borough. The Council places great importance on the protection of the existing high standard of amenities enjoyed throughout the Borough's established residential areas. As a consequence, particularly careful consideration will be given to applications for housing on sites other than those allocated in Chapter 7 - Housing.

14.15.2 Some opportunities arise for housing development within existing residential areas. These may involve infilling of a vacant plot, for instance where a commercial or community use has become redundant. Alternatively, they may involve

subdivision of existing residential plots, known as backland development, particularly through the provision of additional dwellings in long rear gardens. These opportunities may contribute to meeting the housing needs of the Borough, but the Council believes that sensitive planning control is needed to prevent cumulative damage to the character, appearance and amenity of the area as a whole.

14.15.3 Parts of the Borough have a special local character which can be damaged by alterations to plot sizes. These include low and medium-density residential estates, conservation areas and other areas which form the settings for listed buildings. In these cases, the Council will strongly resist the loss or sub-division of garden plots in order to retain spaces that are important to the ambience and streetscene of the area.

14.15.4 In all cases, the general development criteria set out in Policy DC1 will apply, along with a number of other criteria which relate particularly to the problems of infill and backland development. The character of older residential areas is often dependent upon their open layout and mature gardens, with vegetation contributing to the streetscene and providing a wildlife resource. Excessive increases in the density of these areas can produce "town cramming", damaging residential amenity and overloading local services. To minimise any damage, plots will normally be expected to be of a comparable frontage and depth to those in the immediately adjoining area.

14.15.5 Homes are particularly vulnerable to overlooking from new residences in and adjacent to rear gardens. To avoid this problem, infill and backland developments should usually be designed so that the height does not exceed the original development, and single storey development may often be the most appropriate.

14.15.6 Surrey County Council's publication "Roads and Footpaths – A Design Guide for Surrey" provides standards in the form of Supplementary Design Guidance used to assess the appropriateness of layouts for residential development. Driveways shared with existing development can lead to access being obstructed and additional parking on the highway. The Council will generally require infill and backland development of residential areas to provide an independent access to each dwelling. Where subdivision of a plot is proposed to create two units in the same occupancy, the design must allow for future provision of an independent access, although the Council may not require immediate provision in some cases, such as separate dwellings for partly dependent relatives. Ill-designed development of a small area of backland can prevent development of adjacent areas, effectively sterilising land which could be available for housing, and therefore proposals should provide for links to adjoining vacant land.

**DC13 PLANNING PERMISSION WILL NOT BE GRANTED FOR INFILL OR BACKLAND DEVELOPMENT THAT WOULD CAUSE THE LOSS OR SUB-DIVISION OF GARDEN SETTINGS WHICH MAKE AN IMPORTANT CONTRIBUTION TO THE CHARACTER OF THE SURROUNDINGS.**

**DC14 PLANNING PERMISSION WILL BE GRANTED FOR NEW RESIDENTIAL DEVELOPMENT IN EXISTING RESIDENTIAL AREAS PROVIDED THAT IT SATISFIES THE FOLLOWING CRITERIA:**

- (I) THE DEVELOPMENT WOULD MAINTAIN THE CHARACTER AND APPEARANCE OF THE AREA INCLUDING DETAILS OF DENSITY, LAYOUT AND LANDSCAPING;**
- (II) THE DEVELOPMENT WOULD PROVIDE ADEQUATE SPACE SEPARATION TO PREVENT SERIOUS HARM TO AMENITY, INCLUDING HARM CAUSED BY OVERLOOKING AND OBTRUSIVENESS;**
- (III) WHERE FEASIBLE, THE DEVELOPMENT WOULD PROTECT ALL WILDLIFE HABITATS AND FEATURES OF NATURE CONSERVATION VALUE, PRESERVING THE CONTINUITY OF OPEN AREAS WHICH ARE IMPORTANT TO WILDLIFE;**
- (IV) THE DESIGN OF THE DEVELOPMENT INCORPORATES AN APPROPRIATE LAYOUT AND INDEPENDENT VEHICULAR ACCESS FROM AN APPROPRIATE PUBLIC HIGHWAY. THE POTENTIAL TO PROVIDE INDEPENDENT ACCESS IS ESSENTIAL IN ALL CASES, ALTHOUGH IT IS ACCEPTED THAT THE ACCESS MAY NOT ALWAYS BE REQUIRED AT THE TIME OF DEVELOPMENT IN THE CASE OF THE SUB-DIVISION OF A PLOT WHERE BOTH UNITS REMAIN IN THE SAME OCCUPANCY;**
- (V) WHERE APPROPRIATE, THE DESIGN OF THE DEVELOPMENT WOULD ACCOMMODATE ACCESS TO ANY ADJOINING LAND HAVING SIMILAR DEVELOPMENT POTENTIAL.**

**14.16 SEMI-INDEPENDENT ACCOMMODATION AND GRANNY FLATS**

- 14.16.1 From time-to-time the Council receives enquiries from families who would like to develop annexes and outbuildings within their gardens to care for relatives whilst allowing them a considerable degree of independence. The Council is sympathetic towards the aspirations of such families, but will apply its policies for infilling, backland development and householder development without favour to particular applicants: proposals are generally assessed without regard to the nature of family ties. It is not possible in these cases to use conditions restricting occupancy to a particular individual, and personal circumstances may only be considered exceptionally, where other planning considerations are not decisive.

14.16.2 Where a proposal for an additional residential unit on a site is unacceptable with regard to policies for infilling and backland development, the Council may grant permission for development of semi-independent accommodation for a relative if it is capable of future use as part of the existing dwelling. Where permission is granted, a planning condition may be attached requiring that existing and new buildings remain occupied as a single residential unit in the future.

**DC15 WHERE A RESIDENTIAL CURTILAGE CANNOT REASONABLY ACCOMMODATE AN ADDITIONAL DWELLING, PLANNING PERMISSION WILL NOT BE GRANTED FOR AN ADDITIONAL DWELLING SPECIFICALLY FOR A RELATIVE OF THE OCCUPANT OF THE ORIGINAL DWELLING. PERMISSION WILL BE GRANTED FOR SEMI-INDEPENDENT ACCOMMODATION WITHIN A RESIDENTIAL CURTILAGE PROVIDED THAT:**

- (I) THE PROPOSAL IS DESIGNED TO BE READILY CAPABLE OF FUTURE USE AS PART OF THE EXISTING RESIDENTIAL UNIT;**
- (II) THE COUNCIL CAN ENSURE THAT THE ACCOMMODATION WILL REMAIN OCCUPIED AS PART OF THE ORIGINAL RESIDENTIAL UNIT.**

**14.17 HOUSEHOLDER'S PERMITTED DEVELOPMENT RIGHTS, HOUSE EXTENSIONS, AND OTHER HOUSEHOLDER DEVELOPMENT**

Permitted Development Rights

14.17.1 The General Permitted Development Order 1995 gives householders limited rights to construct or erect some small-scale structures associated with a dwelling without applying for planning permission. The work allowed under the Order is known as "permitted development". It includes roof lights and some categories of front porches, single-storey extensions, rear dormers, fences, stables within the curtilage, TV aerials, satellite dishes and other telecommunications equipment.

14.17.2 Residents who intend to undertake any building work are strongly advised to contact the Borough Council at the earliest possible opportunity for guidance. Even where a planning application is not needed, approval for any structures is usually required under the Building Regulations. Any works undertaken without the necessary permission may be liable to enforcement action.

14.17.3 The Borough Council is particularly concerned about the impact of householders' "permitted development" in two general areas:

- a) where small plots have been created by infilling and backland development; and

- b) within the Green Belt.

Although there is currently little residential development in the Green Belt, the plan includes proposals for development of 1500 dwellings on former hospital sites. These should not have any greater impact on the Green Belt than the existing hospital development.

14.17.4 The requirements of Policies DC13 and DC14 for infilling and backland development should generally ensure that the density of development is appropriate to the surrounding area. However, small plots can create a problem where the built-up proportion of the site increases until it is excessive: amenity space may become too limited to cater properly for future occupants of the site and extensions or out-buildings may be developed unreasonably close to neighbours' properties.

14.17.5 For the hospital sites, the Borough Council intends to prepare planning briefs as supplementary planning guidance. These will identify prominent sites where low density development should be sought, such as areas at the edge of the built development, the open settings of isolated buildings, existing amenity areas within the built development, and those areas where there are groups of mature trees. However, once housing is established in the Green Belt, this may give rise to an inappropriate proliferation of hardstanding areas, garages and domestic extensions which form "permitted development".

14.17.6 Where the exercise of "permitted development" rights could cause serious harm to the environment, either through changes to the character of the Green Belt or through the addition of structures on small plots which would seriously harm living conditions for residents or neighbours, the Council may use planning conditions to remove some of those rights in individual instances. In particular, the Council will consider withdrawing "permitted development" rights under schedule 2 Part 1, Classes A-H (development within the curtilage of a dwellinghouse) and Part 2, Classes A-C (sundry minor operations) of the General Permitted Development Order 1995.

**DC16 IN THE FOLLOWING LOCATIONS, CONSIDERATION WILL BE GIVEN TO ATTACHING CONDITIONS TO PLANNING PERMISSION, RESTRICTING THE DEVELOPMENT PERMITTED WITHIN THE CURTILAGE OF A DWELLINGHOUSE BY VIRTUE OF THE GENERAL PERMITTED DEVELOPMENT ORDER 1995:**

**(I) INFILL OR BACKLAND SITES IN EXISTING RESIDENTIAL AREAS;**

**(II) THE GREEN BELT'S MAJOR DEVELOPED SITES;**

**IN ORDER TO PROTECT RESIDENTIAL AMENITY AND THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA.**

## Design of Householder Development

- 14.17.7 Householder developments such as domestic extensions account for most of the planning applications received in the Borough. The Council seeks to encourage designs which fit in well with the neighbourhood and surroundings, and to resist proposals which would detract from visual amenity. All applications are subject to the general requirements of Policy DC1 protecting residential amenity and the character of the area. Close attention will also be paid to the townscape, the relationship between buildings, and the spaces created. These may be particular issues where development of a corner property would affect an adjacent street. However, the Council does not wish to unduly restrict the freedom of individuals to alter their properties. In particular, the Council will be sympathetic towards the requirements of people with physical or sensory disabilities who need to adapt their homes.

### **DC17 PLANNING PERMISSION WILL ONLY BE GRANTED FOR HOUSEHOLDER DEVELOPMENT, INCLUDING EXTENSIONS TO DWELLINGS, PROVIDED THAT IT:**

- (I) WOULD NOT CAUSE SERIOUS HARM TO THE TOWNSCAPE; AND**
- (II) IS WELL RELATED IN SCALE TO ADJOINING BUILDINGS AND SPACES.**

**PLANNING PERMISSION WILL BE GRANTED FOR HOUSEHOLDER DEVELOPMENT DESIGNED SPECIFICALLY FOR THE NEEDS OF AN OCCUPANT WITH PHYSICAL OR SENSORY DISABILITIES PROVIDED THAT OTHER CONSIDERATIONS ARE NOT PARAMOUNT.**

- 14.17.8 The Borough has a wide variety of residential areas and housing types, each with a distinctive character. They range from high density inner suburban estates of semi-detached housing to low density outer suburban estates. Different types of extensions will be appropriate in different areas.

- 14.17.9 The Borough Council's main concerns in considering the design and siting of house extensions are:

- a) the relationship between the extended dwelling and the adjoining dwellings as they affect the streetscene;
- b) the spaces between individual dwellings as they affect the character of the area; and
- c) the spaces between individual dwellings as they affect habitable rooms and kitchens (habitable rooms include all bedrooms, living rooms and dining rooms).

To assist understanding of the policies which express these concerns, the Council has produced a number of explanatory illustrations which are contained in the Plan's companion volume of Supplementary Planning Guidance

#### Two-storey Extensions

- 14.17.10 To ensure that the spaces between dwellings are adequately wide, it will generally be necessary to inset two-storey or first-floor side extensions from the boundary. A gap of at least 1m, measured from the outer edge of the eaves, should usually be provided.
- 14.17.11 The spacing should be appropriate to the plot size and the character of the area, and a larger gap may be sometimes be necessary. In areas of close development, the elimination of the spaces at first floor level can lead to a terracing effect, with a line of unbroken facades having a dominating and detrimental effect on the appearance and character of the street and the wider locality. In some cases damage may be avoided by stepping away from the boundary at first floor level, or using a mansard construction. In the outer suburban estates where the layouts are spacious and there are frequently mature trees in rear gardens which contribute to the townscape, a substantial gap will normally be needed to maintain views through the area.
- 14.17.12 Poorly designed and sited two-storey extensions can also have an adverse impact on living conditions through loss of sunlight and privacy, particularly to the rear of dwellings. The Council will consider extensions in terms of their impact on the outlook from the windows of each neighbour's habitable rooms and kitchen. As a guideline, a well designed extension should leave an outlook free from obstruction at an angle of 45 degrees to the window. The 45° figure may be varied where it is inappropriate due to plot sizes and layouts.

#### Single-storey Rear Extensions

- 14.17.13 Some single-storey rear extensions are "permitted development" - see paragraphs 14.17.1 and 2. However, extensions can seriously restrict the sunlight reaching windows of neighbouring properties, especially where they are on semi-detached and terraced houses. The Council considers that for all house types a single-storey rear extension projecting 3.25m (10'8") will be sufficient to provide an internal depth of 3.05m (10') without any unreasonable effect on natural light. However, a projection of greater than 3.25m (10'8") may exceptionally be reasonable in the case of detached properties in substantial grounds.
- 14.17.14 A projection of greater than 3.25m (10'8") may also be acceptable where adjoining property has already been extended rearwards, or where adjoining property is to be similarly extended as part of the same development. In the latter case, neighbours should consider co-ordinating their applications and voluntarily entering into a legal agreement to ensure that the extensions are built at the same time.
- 14.17.15 Many semi-detached and terraced houses have mirror-image rear extensions, often an original feature of each property accommodating the kitchen/ pantry. In recent

years it has become common practice for occupants of these properties to infill their part of the bay formed by these extensions. Where planning permission is required, the Council is concerned that the infilling of the bay on one house does not lead to the rear windows of the other being unreasonably overshadowed. The Council will resist any partial infilling of a bay which unreasonably restricts daylight reaching the neighbour's windows, particularly where the narrowness of the gap between the new infilling and the neighbour's original extension produces a tunnel effect.

- 14.17.16 As with rear extensions over 3.25m, problems may be overcome if the adjoining property is similarly extended as part of the same development. Once again, neighbours should consider co-ordinating their applications and voluntarily entering into a legal agreement to ensure that both parts of the bay are infilled at the same time.

#### Dormer Extensions

- 14.17.17 Dormer extensions can provide a cost effective means of achieving additional living space. Roof lights and certain categories of dormer extension are often "permitted development" - see paragraphs 14.17.1 and 14.17.2.
- 14.17.18 Where planning permission is required for a dormer extension, the Council will seek to ensure that the extension is in keeping with the style of the dwelling and character of the area. Dormer windows should relate to the fenestration below and should not dominate a roof slope. The dormer should be wholly below the ridge of the roof and any cladding to its sides should match the general roof colour.
- 14.17.19 Dormer extensions to dwellings should generally be set back from the existing main walls. A "cantilevered style" which projects forward is out-of-keeping with the style of most housing in the Borough. Where a cantilevered dormer is considered acceptable, the projection of the dormer beyond the main flank wall should not exceed the thickness of wall itself, generally 280mm (11").
- 14.17.20 Cantilevered dormers are most commonly acceptable in the case of chalet-style homes where the projection is created at first-floor level and is less obtrusive than it would be above. However, the Council will resist attempts to create facing cantilevered dormers on neighbouring chalet-style homes if this would bring the windows of habitable rooms so close together as to compromise privacy.

#### Design of Household Extensions

- 14.17.21 All household extensions are subject to Policies DC1 and DC17, as well as the specific requirements for two-storey, single-storey and dormer extensions. Those two policies are particularly important in the case of domestic extensions because they deal with protecting the neighbourhood in terms of living conditions, character and appearance, the townscape, and the spaces between buildings. Furthermore, whilst there is a general requirement for development to adopt appropriate materials and design, the Council is especially concerned to protect the environment of residential areas, and household extensions are therefore required to match the



**ORIGINAL BUILDING, AND BE SYMPATHETIC TO THE SURROUNDINGS.**

Fences and Boundary Walls on Domestic Frontages

- 14.17.22 In a residential curtilage, the erection of walls and fences is sometimes "permitted development" - see paragraphs 14.17.1 and 2. The Council is concerned that where an application for planning permission is submitted, proposals should not damage road safety, the character of the area, or the street scene.
- 14.17.23 Fences and walls on the frontage of a garden or otherwise adjacent to a highway can affect road safety, especially close to bends, junctions and crossings where they may seriously restrict visibility. Householders must submit an application if they propose a fence or wall over a metre high next to a road (including the pavement).
- 14.17.24 Front and side gardens which are un-enclosed or have low boundary walls/ fences can be an essential part of an area's character and make an important contribution to passive amenity space and the visual amenity of the road for people passing. On newer housing estates, they often form an uninterrupted open frontage; in areas of older housing, they often break-up the monotony of concrete and tarmac paving, and may provide delightful glimpses of mature gardens. High walls can cast long shadows over the street and create an oppressive atmosphere.
- 14.17.25 The Council will therefore seek to limit the height of domestic fences and walls to maintain road safety and preserve views of gardens from the road frontage. In exceptional circumstances, where high walls are justified adjacent to a road in terms of privacy or noise attenuation, they will be scrutinised in terms of their effect on the streetscape. Where high walls are justified, they are likely to be acceptable if they do not exceed 2 metres in height and incorporate visual treatments which fit in with the locality.

**DC19 PLANNING PERMISSION FOR FENCES OR WALLS EXCEEDING 1 METRE IN HEIGHT ON RESIDENTIAL BOUNDARIES WHICH ADJOIN HIGHWAYS WILL ONLY BE GRANTED PROVIDED THAT:**

- (I) THE PROPOSAL WOULD NOT BE PREJUDICIAL TO HIGHWAY SAFETY AND EFFICIENCY;**
- (II) THE HEIGHT OF THE PROPOSAL IS JUSTIFIED IN TERMS OF THE SPECIFIC NEEDS OF THE SITE;**
- (III) THE PROPOSAL WOULD NOT CAUSE SERIOUS HARM TO THE CHARACTER OF THE AREA IN TERMS OF ITS EFFECT UPON VISUAL AMENITY AND VIEWS OF PRIVATE GARDENS;**

**(IV) THE PROPOSAL WOULD NOT SERIOUSLY HARM THE STREETScape IN TERMS OF ITS HEIGHT OR THE COLOUR AND TEXTURE OF THE MATERIALS USED.**

Private Stables within Residential Curtilages

- 14.17.26 The erection of a private stable within a residential curtilage is sometimes "permitted development" - see paragraphs 14.17.1 and 2. The Council is concerned that where an application for planning permission is needed, proposals should not have an adverse effect on the amenities of the occupants of neighbouring dwellings by reason of smell, noise, access for exercise and disposal of waste.
- 14.17.27 Stables within residential curtilages are subject to general Control of Development policies (DC1 and DC17) which protect residential amenity, the character of the area, and the aesthetics of householder development. However, stables close to housing can cause particular problems which require consideration. Large animals can cause noise disturbance at night and early in the morning; manure and straw disposal can create smells and a need for regular vehicular access to the stable. The extent of unanticipated disruption in the past has been serious enough for the Council to consider that a temporary permission is often appropriate in the first instance, providing a "trial" period. This approach can be used where there is insufficient evidence to refuse a proposal as a "bad neighbour", provided that the capital expenditure involved in the development is low enough for a condition to reasonably limit its lifespan.
- 14.17.28 The Council will expect proposals to be adequately separated from all dwellings. Although the landform and the presence of natural vegetation may have an effect, a minimum separation of 23 metres (75 feet) will generally be considered appropriate. Suitable means of access to exercise facilities will be expected. Access-ways can create noise and disturbing echoes, and therefore should not pass close to houses on sealed surfaces, and certainly should not pass immediately alongside adjoining dwellings. A route directly from a stable to a bridle route or an exercise area to the rear of the curtilage would be preferable. Exercise areas may sometimes be provided within the curtilage; to accommodate such development, the curtilage should include a clear rear or side area of 2,000 sq.m. (0.5 acres). Potential problems of neighbour disturbance and waste disposal will also be strongly influenced by the scale of building proposed and the number of animals that would be accommodated.

**DC20 PLANNING PERMISSION WILL BE GRANTED FOR THE ERECTION OF PRIVATE STABLES WITHIN RESIDENTIAL CURTILAGES PROVIDED THAT:**

- (I) THERE IS SUFFICIENT SEPARATION BETWEEN THE PROPOSAL AND ALL NEARBY DWELLINGS (WITHIN AND OUTSIDE THE CURTILAGE) TO PREVENT SERIOUS HARM TO ANY RESIDENT'S LIVING CONDITIONS;**

- (II) THE PROPOSAL INCORPORATES AN ACCESS ROUTE FOR HORSES WHICH WOULD NOT PASS ALONGSIDE ADJACENT DWELLINGS OR OTHERWISE CAUSE DISTURBANCE TO NEARBY RESIDENTS;**
- (III) ANY EXERCISE AREA INCORPORATED WITHIN THE PROPOSAL OCCUPIES A CLEAR PART OF THE CURTILAGE AT LEAST 2,000 SQ. METRES IN EXTENT;**
- (IV) THE PROPOSAL INCORPORATES ADEQUATE ARRANGEMENTS FOR THE DISPOSAL OF MANURE AND USED STRAW WHICH WOULD NOT INVOLVE LONG-TERM STORAGE ON-SITE OR OTHERWISE CAUSE SMELL OR NUISANCE TO NEARBY RESIDENTS;**
- (V) IN THE CASE OF A PROPOSAL WHICH COULD HAVE UNANTICIPATED EFFECTS ON RESIDENTIAL AMENITY, THAT THE CAPITAL COST OF THE DEVELOPMENT IS NOT TOO GREAT TO ALLOW PLANNING PERMISSION TO BE GRANTED ON A TEMPORARY BASIS.**

#### Working From Home

- 14.17.29 The pursuit of economic growth can contribute to a high quality environment, for example if new businesses locate where the need to travel is minimised or they can be served by energy efficient means of transport. Businesses operating from people's own homes may be one way of achieving this end.
- 14.17.30 Businesses in residential areas can have harmful effects on residential amenity. Control of Development Policy DC1 and policies in Chapter 9 - Employment provide general protection against such harm. However, primarily residential areas can accommodate some commercial activity at an appropriate scale without detriment. This section provides more specific guidance on the circumstances in which working from home is acceptable.
- 14.17.31 Working from home does not always require planning permission from the Council: an application is not normally needed if the use as a dwelling remains and the residential character of the property does not change. People who intend to start or expand a business operating from home are advised to contact the Council at the earliest possible opportunity, as enforcement action is taken against unauthorised development.
- 14.17.32 In the case of working from home which requires planning permission, the Council will apply general and specific policies to protect amenity. Traditionally, working from home involved assembling semi-finished products, such as machining for the rag-trade, which could cause noise nuisance or other disturbance. The Council anticipates that future growth in working from home will mainly involve "teleworkers" using computers and telecommunications facilities to transmit their

output direct to an employer or customer, and that these will not raise residential amenity issues. As there is no strict distinction in planning law between these forms of working, the Council will use detailed criteria to assess the likely impact of each proposal.

14.17.33 One purpose of working from home is to provide people with the ability to work at hours which suit their domestic arrangements. These may include employment elsewhere or caring for relatives. It would therefore not usually be reasonable to restrict the hours of working, and very special care must be taken to ensure that alternative measures can be taken to prevent disturbance to neighbours.

14.17.34 Even light machinery, from dot matrix printers to sewing machines, can be annoying to residents, particularly if used at unusual hours. Noise insulation should be installed in rooms being used for machinery if they are close to habitable rooms in another property, particularly if the buildings are attached.

14.17.35 The Council will give careful consideration to the problems which may be caused by on-street parking, by deliveries, or by alterations to the property to provide adequate access, parking and storage. The impact of the business will be related to the number of partners or staff involved and the level of activity. Businesses which involve a number of non-residents or attract visits from the general public should be located in commercial or mixed-use areas where public transport is available and sustainability objectives can be met. Such businesses are inappropriate for residential areas where associated traffic movements, on-street parking and property alterations would be likely to compromise amenity.

14.17.36 Parking, deliveries and property alterations are also likely to be of particular concern where someone working from home either:

- a) attracts visits from suppliers or customers; or
- b) intends to use a significant quantity of raw materials.

The Council will resist proposals where any on-street parking or deliveries would be at a scale likely to cause danger or inconvenience other residents. The Council will also resist alterations to the existing residence which harm the residential character of the area, particularly in the case of new vehicular access to the rear of the curtilage, which would detract from the private nature of neighbours' back gardens.

**DC21 PLANNING PERMISSION WILL BE GRANTED FOR A BUSINESS TO OPERATE FROM A RESIDENTIAL PROPERTY WHICH REMAINS IN RESIDENTIAL USE PROVIDED THAT:**

- (I) THE PROPOSAL WOULD NOT CAUSE SERIOUS HARM TO THE LIVING CONDITIONS OF ADJOINING PROPERTIES BY REASON OF THE NATURE OF THE ACTIVITY, AND INCORPORATES APPROPRIATE NOISE ATTENUATION MEASURES WHERE LATE WORKING OR THE OPERATION OF MACHINERY IS INVOLVED;**

- (II) THE PROPOSAL WOULD NOT INVOLVE ALTERATIONS TO THE PROPERTY (SUCH AS EXTENSIONS AND FIRE ESCAPES) WHICH WOULD SUBSTANTIALLY ALTER ITS RESIDENTIAL CHARACTER, CAUSE SERIOUS HARM TO THE LIVING CONDITIONS OF ADJACENT OCCUPIERS, OR CAUSE SERIOUS HARM TO THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA;**
- (III) THE PROPOSAL WOULD NOT BE PREJUDICIAL TO HIGHWAY SAFETY AND EFFICIENCY BY REASON OF DELIVERIES OR OF CAR PARKING BY STAFF, SUPPLIERS OR CUSTOMERS;**
- (IV) ADEQUATE ACCESS AND PARKING CAN BE PROVIDED WITHOUT INTRODUCTION OF NEW VEHICULAR MOVEMENT INTO THE REAR CURTILAGE.**

**14.18 TELECOMMUNICATIONS DEVELOPMENT**

- 14.18.1 The Council acknowledges that modern telecommunication systems are an essential and beneficial element in the economy and the life of the community. Telecommunication growth should generally be facilitated, and care should be taken to prevent the development of structures that unreasonably impede the reception of broadcast signals. Telecommunications developments should not be permitted to the detriment of environmental quality and visual amenity, but Councils are urged to consider the wider environmental benefits telecommunications may have in reducing the need to travel. The Council accepts that telecommunications development may need particular locations to work effectively, and will interpret Local Plan policies accordingly.
- 14.18.2 There are many and varied telecommunications systems available to commercial and domestic users, ranging from cellular and fixed link telephones through to satellite and terrestrial television networks. Each of these different systems has varying operational demands and requires a range of telecommunication antennae and associated equipment. The Council is concerned to ensure the impact of such equipment is kept to a minimum, and that unnecessary proliferation of masts, antennae and dishes does not damage the Borough's character and residential amenity. Telecommunications-related development will therefore be carefully monitored.
- 14.18.3 The erection of a mast, an antenna or a dish is sometimes "permitted development" - see paragraphs 14.17.1 and 2. Operators should note that even in the case of "permitted development", they may be required under the General Permitted Development Order 1995 to provide the Council with an opportunity to determine the details of siting and appearance.

- 14.18.4 The Council will seek to ensure that all proposals for telecommunication apparatus are sited to minimise their impact, whether or not they are classed as "permitted development". All equipment is subject to the general Control of Development policy (DC1); dishes and antennae on domestic premises are also subject to the householder development policy (DC17). These protect residential amenity, the character of the area, and the aesthetics of the proposal.
- 14.18.5 Great care will be taken in assessing proposals within environmentally sensitive areas of the Borough, such as Epsom Downs, Walton Downs, the Downs Area of Great Landscape Value, the Hospitals Cluster, Epsom Common, the conservation areas, and wherever dwellings may be affected. The Council will often require landscaping and judicious use of material, colours and design to minimise obtrusiveness. In the case of sites affecting listed buildings or conservation areas, the Council will seek to ensure that any domestic satellite dishes are effectively hidden from public view.
- 14.18.6 Commercial telecommunications masts and antennae can have a major impact on the environment. In the case of commercial equipment, the Council takes the view that mounting an antenna on an existing building or mast is less obtrusive than erecting a new mast. The site, whether involving an existing building or a new mast, should be selected to minimise environmental impact, taking account of the landform, nearby trees, and where relevant the profile of the building and the roof. Planting, landscaping, and judicious choice of materials can help to mitigate negative effects. The Council will attempt to prevent unnecessary impact by ensuring that new masts are available for sharing and will be removed at the operator's cost if they become redundant.
- 14.18.7 The proliferation of TV satellite dishes in residential areas is also a cause for concern. The Council will always seek to accommodate the desire of householders to receive satellite TV and to suggest a location appropriate to the dwelling, but there will be certain buildings, areas of architectural or historic significance or areas of a prominent and attractive nature, where no satisfactory location is available.
- 14.18.8 Telecommunications development can sometimes interfere with domestic electrical equipment, TV and radios. This can occur where the developments emits unwanted signals, or where it obstructs the reception of wanted signals (a possibility with masts or towers). Unwanted emissions are primarily a matter for the Radiocommunications Agency, and will only be a planning consideration if no practical remedy is available. Physical interference can be prevented through close attention to the structure's height and width, orientation and surface materials. The advice of the Radiocommunications Agency and relevant broadcasters will be sought as appropriate.
- 14.18.9 Dishes will have the least impact if they are to the rear of the premises at ground level, where landscaping and planting can be used to screen them from the non-receiving sides. Where gardens are too small or the direction of the signal makes a ground-level site impractical, the Council considers that the skyline should be protected by mounting the dish on the wall rather than on the roof, and ensuring that the equipment remains below the eaves (or, in the case of a gable mounting,

below the roof verge). To protect the streetscene, the Council will resist sites in front gardens or front walls.

14.18.10 The Council is also anxious to ensure that satellite dishes are kept as small as possible so that they are not visible from their surroundings; as an indication, the Council considers that dishes over 1.3 metres in diameter would normally be unsuitable in a domestic setting.

14.18.11 Although certain apparatus is "permitted development", this is conditional upon the equipment being sited to minimise its effect upon the external appearance of any building to which it is attached, so far as is practicable. Where equipment is erected without the express consent of the Council and is not sited to minimise impact, the Council will generally issue a breach of condition notice requiring its resiting.

**DC22 PLANNING PERMISSION WILL BE GRANTED FOR THE ERECTION OF TELECOMMUNICATIONS APPARATUS (OTHER THAN A SATELLITE TV RECEIVING DISH) WHICH SATISFIES THE FOLLOWING CRITERIA:**

- (I) THE APPARATUS USES AN EXISTING MAST OR BUILDING WHERE PRACTICABLE, WITHOUT CAUSING SERIOUS HARM TO THE APPEARANCE OF THE SITE OR BUILDING TO WHICH IT RELATES;**
- (II) WHERE AN EXISTING MAST OR BUILDING IS NOT AVAILABLE, THE APPARATUS WOULD BE SCREENED AS FAR AS PRACTICABLE BY THE EXISTING LANDFORM AND TREES, OR BY LANDSCAPING AND PLANTING INCORPORATED IN THE PROPOSAL;**
- (III) THE APPARATUS WOULD NOT CAUSE HARM TO THE VISUAL AMENITY OF LISTED BUILDINGS, CONSERVATION AREAS OR OTHER SENSITIVE AREAS;**
- (IV) THE PROPOSAL INCORPORATES APPROPRIATE MATERIALS OR TREATMENTS FOR ANY ASSOCIATED BUILDINGS OR SUPPORTING STRUCTURES;**
- (V) THE POTENTIAL FOR PHYSICAL INTERFERENCE HAS BEEN MINIMISED IN THE SITING AND DESIGN OF THE APPARATUS.**

**THE USE OF PLANNING CONDITIONS OR LEGAL AGREEMENTS WILL BE CONSIDERED AS APPROPRIATE TO ENSURE THAT NEW MASTS WILL BE REMOVED AT THE OPERATORS' COST IF THEY BECOME REDUNDANT IN THE FUTURE.**

**DC23 PLANNING PERMISSION WILL BE GRANTED FOR THE ERECTION OF A SATELLITE TV RECEIVING DISH WHICH SATISFIES THE FOLLOWING CRITERIA:**

- (I) WHEREVER POSSIBLE, THE DISH WOULD BE SITED AT GROUND LEVEL AND EFFECTIVELY SCREENED;**
- (II) WHERE A GROUND-LEVEL SITE IS NOT AVAILABLE, WALL-MOUNTED EQUIPMENT WOULD BE SITED SO THAT NO PART OF THE APPARATUS OR ATTACHED FIXING STRUCTURE PROJECTED ABOVE THE LEVEL OF THE EAVES (OR IN THE CASE OF GABLES, ROOF VERGE LEVEL);**
- (III) IF REAR OR SIDE-FACING SITES ARE AVAILABLE, THE DISH WOULD NOT BE SITED WITHIN A FRONT GARDEN OR ON A FRONT ELEVATION;**
- (IV) THE DISH WOULD BE NO LARGER THAN NECESSARY;**
- (V) IN THE VICINITY OF A LISTED BUILDING OR CONSERVATION AREA, THE DISH WOULD BE EFFECTIVELY HIDDEN FROM PUBLIC VIEW WHEREVER POSSIBLE.**

**14.19 PLANNING APPLICATION DRAWINGS**

- 14.19.1 The Council is concerned that plans and drawings submitted as part of an application for planning permission should be accurate and unambiguous. Otherwise the public, Members and Council Officers may be unable to assess the impact of a proposal properly, and there is a risk that construction work may start in the wrong place. Applicants will be requested to submit plans and elevations which show the impact of their proposal on any adjacent property, and may also be asked to submit samples of materials. In order to avoid misunderstandings, the Borough Council has produced detailed advice to applicants, which is despatched with planning application forms.