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17<sup>th</sup> January 2022

Runnymede Borough Council Planning Dept

Addlestone

Surrey KT15 2AH

via e-mail

## **Planning Application RU.21/2094, 64 Brox Road, Ottershaw – ONF Comments**

**Prior Approval application for an extension to the existing dwellinghouse to provide an additional storey so the resultant dwellinghouse has a maximum height of 10.7 metres, under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 1, Class AA (enlargement of a dwellinghouse by construction of additional storey)**

Dear Sirs,

I refer to the above Planning Application.

- 1) To aid common understanding, we include the following diagram from the Planning Application documentation.
  - a. The area outlined in red includes only the portion of the current building on 64 Brox Road that is the subject of this application (referred to in the rest of this document as the “**Application Area Building**”).
  - b. The area outlined in blue represents the portion of the current building on 64 Brox Road that has been (inappropriately) excluded by the applicant from this application (referred to in the rest of this document as the “**Excluded Area Building**”).



- 2) The applicant has incorrectly shown 64 Brox Road as two separate / distinct properties:
- a. the purported 'dwellinghouse' represented by the Application Area Building, and
  - b. the rear double storey rear extension and former builder's merchant trade counter as a separate/distinct neighbouring commercial property; ie the Excluded Area Building.

**In fact, the entire building is a single consolidated 'mixed-use' building.**

Therefore, the provisions of Schedule 2, Part 1, Class AA, **which are applicable only to a 'dwellinghouse'**, are not applicable to this application as the combined property is not a 'dwellinghouse' (as defined on the Government Planning Portal, which in turn references back to the definition provided under the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 and the Town and Country Planning Act 1990).

The fact that the Excluded Area Building does not represent a distinct property separate from the Application Area Building is confirmed by examining the full planning history for 64 Brox Road.

In 1969, following approval of CHE.22126, an "Office/Study", a "Checkers office" and a "Garden lounge" were added to the rear of the property – these have all been used for many years as part of the consolidated mixed-use building situated at 64 Brox Road.

Of particular importance is the two-storey rear extension approved and built in accordance with application CHE.24407 in 1972. The drawing for this application clearly shows that the Excluded Area Building is simply an extension to the original building that occupied the site prior to that application (ie the majority of the 'Application Area Building'), and not a separate neighbouring property that can be treated as distinct from the Application Area Building. The approved first floor plans clearly show that the only means of accessing the new first floor bedrooms is via the first floor of the Application Area Building. (See Diagrams 1 and 2 below)

In 1974, following approval of RU.74/0151, a "Garage" was added to the rear of the two-storey extension. The documentation from this application clearly show that the applicant intended to use the garage as ancillary to the portion of the mixed-use site that was at that point used as domestic living accommodation. In fact, RBC has also

stipulated as a planning approval condition that the garage must only ever be used for private residential use. At a later point in time the garage has been converted (without planning consent) to be used as part of the builder's merchant shop.

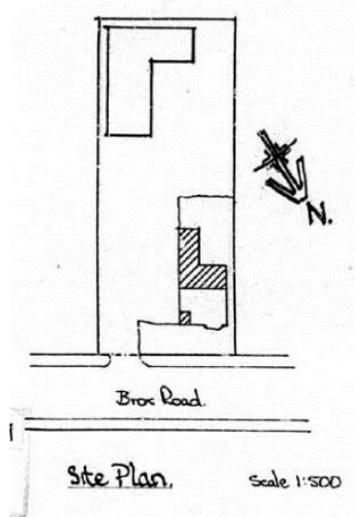


Diagram 1 – Site plan approved by Planning Application CHE.24407.



Diagram 2 – Floor plans approved by Planning Application CHE.24407, with shading overlaid to highlight the various extension areas:

Pink areas represent the extensions added by CHE.22126 and CHE.24407.

Green area represents the residential use garage added according to RU.74/0151, which in recent times has been used as part of the Travis Perkins store.

No application has been made to RBC to separate the two-storey rear extension areas, built in accordance with planning application CHE.22126 and CHE.24407 or the Garage (currently part of the closed down Travis Perkins shop area), from the Application Area Building, to create two separate / unconnected buildings, despite the applicant suggesting that this is the case in the following drawings and other application documents:

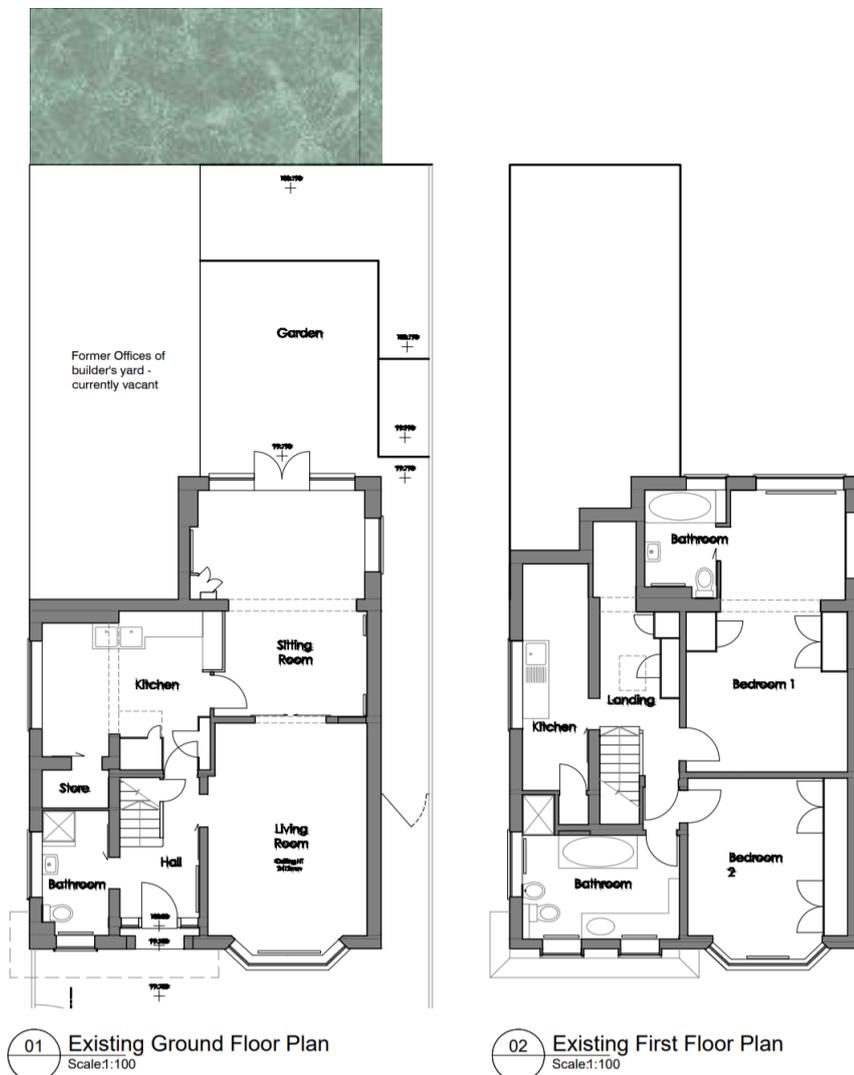


Diagram 3 – Existing ground and first floor plans submitted by the applicant, suggesting that the Application Area Building is a separate and distinct building to the Excluded Area Building. Green shaded area added to show the missing part of the

consolidated mixed-use building – the “Garage” added following approval of RU.74/0151.

Over the last three decades the rear two-storey extension part of the combined building and the “Garage” has been used as an integral part of the former builder’s merchant business, ie therefore cannot be classified as a ‘dwellinghouse’. This is confirmed by the Applicant within the application documentation.

**ONF - REFUSE as the proposal exceeds the limits set by legislation; development is not permitted under Schedule 2, Part 1, Class AA. Application should be revised and re-presented to accurately include the whole site as a single consolidated mixed-use property.**

- 3) Within the planning application form, under section 4a, the applicant has incorrectly ticked the “Yes” box against the question “*Was the current building constructed between 1 July 1948 and 5 March 2018?*”

Approximately two thirds of the Application Area Building received planning consent in 1937, under **CHE.3680 – ‘Shop and living accommodation’**. With the remaining one third being added as extensions by CHE.22126 and CHE.24407

Mick Stride, who was born in the Application Area Building in 1943, recalls that the property was built by his grandfather, Charles Stride (Senior). The property was part of the Stride family building trade business, and was occupied by Mick and his parents, Jack and Ellen Stride, until 1963 when they sold it to Arnold Albon, who later sold the property and business to Travis Perkins.

**ONF - REFUSE, as the proposal exceeds the limits set by legislation. Schedule 2, Part 1, Class AA, paragraph AA.1, sub-paragraph c states that....** “*Development is not permitted by Class AA if the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018.*” **Application should be revised and re-presented correctly showing the fact that the building was built prior to 1<sup>st</sup> July 1948.**

We draw the Planning Officer’s attention to the following provisions of the Schedule 2, Part 1, Class AA legislation....

“(3) The local planning authority may refuse an application where, in its opinion—  
(a) the proposed development **does not comply with**, or  
(b) the developer **has provided insufficient information** to enable the authority to establish whether the proposed development complies with, **any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2**”

If the Applicant maintains that the current building was constructed between 1 July 1948 and 5 March 2018, then the applicant should be asked to provide indisputable evidence to support this position.

- 4) In addition to the above point, the Applicant has failed to correctly recognise the fact that the Application Area Building, **in isolation**, also does not represent a 'dwellinghouse', and therefore the provisions of Schedule 2, Part 1, Class AA are not applicable even if one were to consider the Application Area Building in isolation as a distinct standalone property.

The Application Area Building portion of 64 Brox Road has been continuously used, since it was first built in the late 1930s, in accordance with CHE.3680 '**Shop and living accommodation**', as an integral part of the builder's merchant business.

In recent times (over the last three decades) the Application Area Building has been used primarily for storing stock (eg the more valuable stock items such as lead). This practise continued until late 2021. Following the closure of the Travis Perkins business in 2021, Travis Perkins moved all the stock that was stored inside the Application Area Building to their premises in Addlestone. This can be confirmed by the Travis Perkins staff involved in the branch closure activities.

A number of long-standing Ottershaw residents, including from neighbouring properties on Brox Road, are also able to attest to the above facts, and statutory declarations confirming these facts can also be prepared and provided to RBC Planning Department if required – **please advise if this is needed.**

The fact that the Application Area Building portion of 64 Brox Road has been continuously used as an integral part of the builder's merchant business is further confirmed by the VOA Council Tax listing for 64 Brox Road, which clearly shows the property as representing a 'mixed-use' building – ie not a 'dwellinghouse'.

Our understanding is that as the VOA listing does not include a specific date in the 'With effect from' field, this 'mixed-use' categorisation has certainly been in place continuously for over 30 years since the last VOA council tax band assessment in April 1991. See Appendix A for further details.

The following statement that is included in the applicant's covering letter is factually incorrect and not in any way aligned with actual usage of the Application Area Building during the period since its construction in late 1930s to present day....."*64 Brox Road was originally built as a dwellinghouse and has remained in use as such ever since.*"

If the Applicant maintains this position, then the applicant should be asked to provide indisputable evidence to support this claim.

**ONF - REFUSE as the proposal exceeds the limits set by legislation.  
Application should be revised and re-presented correctly showing the Application Area Building as a 'mixed-use' property, not a 'dwellinghouse'.**

- 5) In reviewing the proposed floor plans we note that the proposed new second floor will have a footprint that is larger than the existing first floor (see Diagrams 4 and 5 below). Part of the proposed ensuite on the second floor extends further out than the existing portion of the Application Area Building that is immediately below on the

existing first floor. This element further causes this application to not comply with the permitted development criteria set out within Schedule 2, Part 1, Class AA, which states that:

**“Permitted development**

*The enlargement of a dwellinghouse consisting of the construction of—*

*(a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or*

*(b) one additional storey, where the existing dwellinghouse consists of one storey, **immediately above** the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.”*

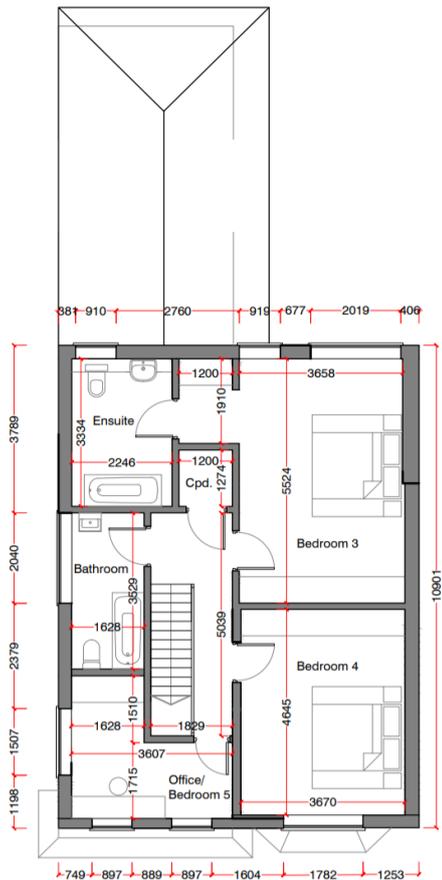
In addition, Schedule 2, Part 1, Class AA, paragraph AA.3, sub-paragraph i states that:

*“Development is not permitted by Class AA if ..... any additional storey is constructed other than on the **principal part** of the dwellinghouse.”*

**ONF - REFUSE** as the proposal exceeds the limits set by legislation.  
**Application should be revised and re-presented with a second floor plan that does not in any way extend beyond the limits defined within the legislation.**



Diagram 4 – Ground and first floor plans submitted by the applicant.



01 Proposed Second Floor Plan  
Scale:1:100

Diagram 5 – Proposed new second floor plan submitted by the applicant, demonstrating that the proposed new floor has a footprint that extends beyond the footprint of the first floor immediately below.

- 6) The entirety of the 64 Brox Road site was previously part of the Travis Perkins business which occupied the combined 64 and 66 Brox Road site. A separate Planning Application has been presented for the 66 Brox Road part of the former Travis Perkins business (RU.21/1067). It should be noted that whilst this forum broadly supports PA RU.21/1067 with issues of parking and site ingress and egress safety to be considered, the previous application for the 66 Brox Road site proposed a three-storey building for which the RBC planners refused with the building now being reduced to two storeys. As we understand it this was in order to ensure the new building was in keeping with the surrounding street scene and to deal with issues of overlooking with respect to 64 Brox Road. The ONF fully supports this view and the precedents implied by this.

**ONF – REFUSE, as a three-storey development is not in keeping with the local street scene and would cause significant overlooking onto the 62 and 66 Brox Road developments. A precedent has already been set with adjacent site PA RU.21/1067.**

- 7) The PA proposes a three-storey development which is completely out of character with the local street scene. In addition, it is directly on the street and as such will have a greater impact on the area. It is our view that any 3 storey developments at or around this location are inappropriate, set unwelcome precedents and negatively affect the character of the area.

**ONF – REFUSE, as a three-storey development is not in keeping with the local street scene.**

- 8) The PA lacks any provision for off street parking. It should be noted that this is exacerbated through there not being any provision for this in PA RU.21/1067 for the adjacent site (No 66). Given the sites location close to the corner we would regard off street parking provision as essential in order to ensure safety is not compromised. It should be noted that there is an issue with parking provision for the property regardless of the additional proposed development.

In addition, as no planning application has been made for this building to be detached from its existing use as offices and an integral part of the Builder's merchants premises and therefore no opportunity has been presented for the Planning Authority to impose parking requirements or for local residents to raise issue on this matter. It should be noted that, historically, off-street parking provision for 64 Brox Road has been provided within the 66 Brox Road site.

**ONF – REFUSE. Essential off street parking provision is required (2-6 spaces depending of the property size and configuration).**

- 9) The proposal uses permitted development rights as a basis for approval. Permitted development rights should not apply where the proposals have an adverse effect on the surrounding dwellings and street scene/character. This proposal clearly has an adverse effect.

**ONF – REFUSE. The PA proposal will have a significant negative impact on the surrounding area.**

#### **By way of overall summary.....**

The above points represent an extensive list of fundamental issues and shortcomings with this proposed development. In particular, the significant number of incorrect representations made by the applicant within the drawings, the other supporting documents and the main application form (note also the declaration of truth and accuracy made by the applicant within section 7 of the application form).

Accordingly, we kindly request RBC Planning Department to strongly encourage the applicant to more thoughtfully construct and thoroughly review any revised application prior to submission to the authority, to ensure any revised proposal is both fully aligned with legislation and also sympathetic and fitting for the Ottershaw village setting. In respect of the latter point, the ONF would be happy to meet with the applicant to provide guidance to help construct a scheme that would be fitting and appropriate in the Ottershaw village setting.

Signed electronically:

*ROliver*

Bob Oliver

Treasurer/Project Manager – ONF

For and on behalf of the Ottershaw Neighbourhood Forum

## Appendix A – VOA council tax information

Copy paste from VOA Council Tax website, detailing the fact that the Application Area Building represents a 'mixed-use property', not a 'dwellinghouse'.

<https://www.tax.service.gov.uk/check-council-tax-band/property/220254152>

**GOV.UK** Check and challenge your Council Tax band

**BETA** This is a new service – your [feedback](#) will help us to improve it.

English | [Cymraeg](#)

[Back](#)

Property information for  
**64, BROX ROAD, OTTERSRAW,  
CHERTSEY, SURREY, KT16 0HH**

Local Authority	<a href="#">Runnymede</a>
Local authority reference number	00111000064006
Council Tax band	F
Improvement indicator	No
With effect from	
Mixed-use property	Yes
Court code	None

[What does my property information mean?](#)

**Local authority reference number**  
The unique number given to the property when it was added to the Council Tax list.

**Council Tax Band**  
The band the property is currently in. This determines how much Council Tax is paid.

**Improvement indicator**  
If the property has been improved or extended since it was placed in a Council Tax band, a Yes will be shown. If a Yes is shown, the band will be reviewed and may increase following the sale of the property.

**With effect from**  
The date the Council Tax band became effective from.

**Mixed-use property**  
A residential property also used for business. For example, a shop with a flat above.

**Court code**  
If the Council Tax band has been reviewed by a Valuation Tribunal or High Court, a court code will be shown. The codes are:

- V - Valuation Tribunal determination
- C - Valuation Tribunal confirmation
- D - High Court determination
- H - High Court confirmation
- R - Valuation Tribunal re-determination following High Court referral
- E - High Court consent order