
Appeal Decision

Site visit made on 10 October 2016

by Christa Masters MA (hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 October 2016

Appeal Ref: APP/A3655/W/16/3153690

Land rear of 22 High Street, Knaphill, Woking GU21 2PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr C Ascione against the decision of Woking Borough Council.
 - The application Ref PLAN/2016/0420, dated 11 April 2016, was refused by notice dated 17 June 2016.
 - The development proposed is extensions and alterations to existing 'Coach House' to create two duplex units.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There was a previous appeal decision on the site. This appeal¹ proposed the demolition of the existing building and its replacement with a detached dwelling. I have been provided with a copy of this appeal decision however I have not seen the plans which accompanied this previous proposal.
3. A further appeal decision² has also been referred to by the parties. This decision relates to the redevelopment of the former library building on the neighbouring site to provide 9 residential units. I have been provided with a number of the plans which accompanied this scheme and I shall return to this matter below.
4. I have also been provided with a Unilateral Undertaking dated 5 September 2016. This document makes provision for a payment of £944 towards a SAMM contribution in order to address the 4th reason for refusal. I shall return to this matter below.

Main Issues

5. This appeal has four main issues:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the matter of potential contamination at the site has been adequately addressed;

¹ APP/A3655/A/13/2199725

² APP/A3655/A/14/2228214

- The effect of the proposal on the living conditions of the future occupiers of the former Knaphill Library site;
- Finally, whether the proposal provides adequate mitigation to address the Thames Basin Heaths Special Protection Area (TBHSPA).

Reasons

Character and appearance

6. The appeal site is located to the rear of No 22 High Street. It currently accommodates a narrow workshop building. Although it is in a poor state of repair, it has interesting detailing to the frontage facing the High Street. The site is accessed via a single track and is clearly visible from the public footpath. The unit at No 22 forms part of the existing shopping parade and although vacant at the time of my site visit, signage indicates a fast food outlet is to open soon. The surrounding area is commercial in nature reflective of the sites location behind the High Street. The site directly to the north previously accommodated the library and is subject to redevelopment for residential purposes. I shall return to this matter below.
7. Policy CS21 of the Woking Core Strategy (CS) 2012 sets out a number of design criteria. These include, that new development should make a positive contribution to the street scene and character of the area. In addition, policy CS24 sets out a further criteria based approach to development effecting Woking's landscape and townscape. These criteria include, amongst other things, that proposals should provide a positive benefit in terms of local distinctiveness, and respect the setting and relationship between individual buildings.
8. The appeal proposal would see an L shaped extension to the rear of the existing structure, which would extend into the site. These works would permit the provision of 2 duplex residential units. The extension would sit almost flush to the rear boundary of the site. The siting of the extension would mean it would protrude out into the site and would be positioned close to the existing single storey extension at No 24 High Street. At two storeys in height and given the proximity to the rear extension at No 24, I share the concerns expressed by the Council that the proposal would lead to a cramped form of development in this backland site.
9. The works would significantly alter the appearance of the existing structure. The roof design in particular is a complex arrangement which would in my view fail to provide a positive benefit in terms of local distinctiveness. Furthermore, the scale and bulk of the extension proposed, would also fail to respect the existing relationship between the appeal site and the existing extension at the rear of No 24. The addition of the bike stores, bin stores and amenity space in the layout as proposed all add to my concerns that the development represents a cramped form of development within this restricted plot.
10. The appellant has made reference to paragraph 65 of the Framework which advises that planning permission should not be refused for buildings which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design. However, for the reasons I have set out above, I do not consider that the criteria of good design has been met in relation to this appeal.

11. I therefore conclude the proposal would cause material harm to the character and appearance of the area, and the street scene generally. It would fail to accord with policies CS21 and CS24 of the CS outlined above. Reference has also been made to policy HSG22 of the Woking Local Plan (LP) 1999. However, the wording of this policy refers specifically to the sub-division of existing housing plots. As such, I am not convinced that this policy is directly applicable to the appeal proposal.

Contamination

12. Paragraph 120 of the Framework advises that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate to its location. Policy DM8 of the Emerging Development Management Policies (DPD) 2015 accords with the Framework and seeks to ensure, amongst other things, that proposals for new development should ensure that the site is suitable for the proposed use.
13. The application was supported by a Desk Study and Contamination report dated September 2013. This report appears to relate to a materially different proposal for the site and not the current appeal proposal. The report is also some 3 years old. Both of these factors mean that I can attach limited weight to this report.
14. It was not possible to access the building during the site. Nevertheless, the appeal statement advises at paragraph 3.3 that it is unclear from historical records what the building was constructed for. Whilst its most recent use appears to be as a store, it is described as a coach house and also as a workshop or wash house. In this context of uncertainty, I can well understand the Councils desire to seek clarification regarding the potential contamination issues on the site given that the proposed use would be for residential purposes. This view also concurs with the conclusions reached by the previous Inspector on the site in relation to the earlier appeal.
15. The appellant has suggested that the matter could be adequately addressed by an appropriately worded condition. However, I do not consider such a condition in the circumstances of this appeal would meet all the necessary tests as set out in paragraph 204 of the Framework. The appellant also points to the fact that such a condition was used on the neighbouring Former Library site. However, from the evidence presented, it would appear that there was certainty in that case regarding the previous uses of the site. This is not the case here.
16. Given the limited weight which I can attach to the evidence submitted, I am unable to conclude with any certainty that the new development is appropriate for its location. This would be in direct conflict with the Framework as outlined above.

Effect of the proposal on the living conditions of the future occupiers of the former Knaphill Library site

17. Directly north of the appeal site is the former library site. Planning permission was granted on appeal last year for the redevelopment of this site to provide 9 residential units.
18. The appellant has advised that the development has not commenced and there is uncertainty regarding its completion. From the site visit, it was evident that

site clearance works have been implemented, and the hoarding around the site indicates a development to be completed by Mears Homes. Moreover, this remains an extant permission and is therefore a material planning consideration in the determination of this appeal.

19. The plans provided indicate that there are single aspect windows facing the appeal site and serving bedrooms on the ground and first floors. The proposed extension would result in a large blank wall facing some 2m from these windows. Given the proximity of the proposed extension, as well as the height and scale of the proposal, the extension as proposed would result in a materially harmful effect on the future occupiers of this building in terms of loss of outlook and overbearing impact.
20. Furthermore, the proposal would also breach the unobstructed vertical angle of 35 degrees when taken from the mid point of the adjoining ground and first floor windows. The appeal proposal would therefore have a materially harmful effect on the levels of light reaching these windows. Although the appellant states that the bedroom would only be used at night-time, this is not in itself sufficient justification to allow a development which would have a harmful impact as outlined above.
21. I therefore conclude the proposal would cause material harm to the living conditions of the future occupiers of the Former Library site in terms of loss of light, overbearing impact and loss of outlook. It would, as a result, be in conflict with policies CS21 of the CS. Policy CS21 is a criteria based policy which requires, amongst other things, that new development achieves a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, overbearing effect due to bulk, proximity or outlook. Reference has also been made within the reason for refusal to the Outlook, Amenity, Privacy & Daylight Supplementary Planning Document (SPD) 2008. However, my attention has not been drawn to anything specific within this document.
22. In reaching this view, I have also had regard to the Framework and in particular, paragraph 17 which advises, amongst other things, that proposals should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Whether the proposal provides adequate mitigation to address the Thames Basin Heaths Special Protection Area (TBHSPA)

23. Policy CS8 of the CS advises that development which is likely to have a significant effect on the SPA will be required to demonstrate that adequate mitigation measures are put in place to avoid any potential adverse effects. The appellant has provided a Unilateral Undertaking to address mitigation requirements given that the site is within 5km of the TBHSPA.
24. The contribution identified would be used to mitigate the harm to the TBHSPA as identified by the Thames Basins Heaths Special Protection Area Avoidance Strategy 2010-2015. I am satisfied that on the basis of the evidence presented, the contribution would meet the tests identified by the Framework. I therefore conclude on the 4th main issue, the proposal would provide appropriate mitigation and as such would accord with policy CS8 outlined above.

Other Matters

25. I note that the appellant states the proposal would be built to a very high level of energy efficiency although I have limited evidence to support this statement. I also note that the proposal would deliver 2 small units to the supply of housing in the area, as well as creating amenity space for the existing residents at the rear. However, these factors do not outweigh the harm I have identified in relation to the main issues before me.
26. A number of residents have raised concerns regarding the effect of the proposal in relation to parking and highways safety. However, I note that the existing access is established and in my view, the addition of 2 dwellings would be unlikely to give rise to a significant material impact on parking demand in the immediate area.
27. In addition, concerns have also been expressed regarding the proximity of the rear service yard of the Co-op. Given the location of the proposed extension relative to this service yard and the separation distances involved, I do not consider that the proposal would cause material harm in this regard.

Conclusion

28. The proposal would cause material harm to the character and appearance of the area. It would also have an adverse effect on the living conditions of the future occupiers of the former Knaphill Library site. I have also concluded that the matter of contamination on the site has not been adequately addressed. However, the proposal would provide adequate mitigation to address the requirements of the TBHSPA. Nevertheless, for the reasons set out above, I conclude the appeal should be dismissed.

Christa Masters

INSPECTOR