

Appeal Decision

Site visit made on 23 September 2016

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 22 November 2016

Appeal Ref: APP/A3655/W/16/3154111

**Land Adjacent to Waitrose, Goldsworth Park Centre, Woking, Surrey
GU21 3LG**

- 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 Ropemaker Properties Ltd against the decision of Woking Borough Council.
 - The application Ref PLAN/2015/1441, received by the Council on 30 December 2015, was refused by notice dated 23 May 2016.
 - The development proposed is the erection of two residential units and associated car parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form was not dated and therefore I have used the date when the Council received the application, as set out in the Council's decision letter, in the banner heading.

Main Issues

3. The main issues are:
 - a) the effect of the proposed development on the character and appearance of the surrounding area;
 - b) whether appropriate provision is made for open space;
 - c) whether the proposed development would provide acceptable living conditions for future occupiers with particular reference to outlook; and
 - d) whether the proposed development provides appropriate mitigation measures in respect of the Thames Basin Heath Special Protection Area (SPA).

Reasons

Character and Appearance

4. The appeal site comprises an informal landscaped green space which includes a number of trees some of which are subject to a Tree Preservation Order. It is immediately adjacent to the Waitrose store which forms part of the Goldsworth
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- Park local centre. The service yard for the store is located to the north of the site. Otherwise the surrounding area is residential in character.
5. The spaciousness of the appeal site contributes to the character of the area generally. It also provides part of the setting of the store which is set within a wider grassland landscape which includes the appeal site. Other elements of the local centre are also set within this open and verdant landscape. The openness of the appeal site provides an important contrast with the mass of the neighbouring store which is of limited architectural merit. Although the streetscape of the main roads of Goldsworth Park is acknowledged by the main parties to be bland a key characteristic is the openness and general absence of buildings close to the highway.
 6. The proposed development would comprise two new two-storey residential properties. Unit one would have its principal elevation to Bampton Way but would be set forward of the building line provided by the store. This would be out of character with the majority of properties locally which are set back much further from main roads. Being within four metres of the store it would have an awkward relationship with the store and appear cramped notwithstanding the design of the proposed building. Whilst the existing store has a blank frontage to the street in my opinion it has a neutral effect which does not draw attention to itself. I consider that the design of the proposed development juxtaposed next to the store would have a jarring visual impact and would not make a positive contribution to the streetscape.
 7. Unit two would have its primary elevation facing Perleybrooke Lane but the relationship with the Lane would be unsatisfactory as the entrance to the property would be from the rear. It would also overlook the store's service yard to the north. I find this relationship to be unlike that of other residential properties in Perleybrooke Lane which overlook residential parking areas because the operation of a service yard is different in character.
 8. Together the two units would result in an area which is currently completely open apart from trees being substantially enclosed by new development bounded by fencing. Whilst the development would have some benefit in shielding the service yard from the road this does not outweigh the harm to the character and appearance which I have identified.
 9. I therefore find that the proposed layout would be cramped and contrived and would significantly erode the spaciousness of the area. Consequently the proposal would be contrary to Policy CS21 of the Woking Core Strategy, 2012 (the Core Strategy) in that it would fail to make a positive contribution to the street scene or to the character of the area and fails to pay due regard to, or achieve a satisfactory relationship with, the adjoining building. By virtue of its awkward relationship with the store it would also fail to meet the requirements of Policy CS24 of the Core Strategy which requires development to conserve and where possible enhance townscape character and respect the setting of individual buildings.
 10. The proposals would also fail to address the requirements of the National Planning Policy Framework (the Framework) which advises that planning permission should be refused for development that fails to take opportunities for improving the character and quality of an area.

Open Space

11. Policy CS17 of the Core Strategy concerns open space, green infrastructure, sport and recreation. The preamble to the policy states that green infrastructure relates to a network of multi-functional open space which can include natural and semi-natural greenspaces and amenity greenspace. On this basis I consider that Policy CS17 applies to the appeal site as an area of green infrastructure.
12. Policy CS17 requires new residential development to contribute towards the provision of open space and green infrastructure. Development involving the loss of open space will not be permitted unless it provides alternative and equivalent or better provision in the locality unless the development is directly related to the enhancement of open space. In addition the policy states that development which would create additional pressures on the green infrastructure network should indicate how it is intended to mitigate against those pressures.
13. Noting the definition of open space in the Framework which addresses the role of open space in terms of public value and visual amenity I consider that this policy applies to all forms of open space and green infrastructure rather than just Urban Open Space as suggested by the appellant. It is an area of open space of public value which contributes to the amenity of the area by virtue of its openness.
14. The appellant has sought to minimise the loss of the open space and to enhance its quality and public accessibility within the eastern part of the site through the creation of an enhanced woodland setting and informal pedestrian trail through the existing copse of mature TPO trees.
15. Although in its current form the appeal site may not be actively used, that fails to appreciate the public value of the area in visual terms. Additionally, whilst the proposals would maintain an area of green space including the tree belt to the south east of the site I consider that the proposed landscaping, enhanced woodland setting, potential benefits to ecology and the informal pedestrian trail would not increase its usability or provide an alternative and equivalent or better open space provision and therefore the proposal would be contrary to Core Strategy Policy CS17.

Living Conditions

16. The proposed new units should provide a suitable area of soft landscaped private amenity space in line with the requirements of the Outlook, Amenity, Privacy and Daylight SPD, 2008 (the SPD). The amount of space for unit one would be in accordance with the SPD requirement and would have garden areas to the front and rear of the house. However, its form of enclosure with a 2.5m high fence on the eastern boundary in order to mitigate the noise from the store and the proximity to the store and the proposed garages would fail to provide the quality of outdoor space which the SPD seeks to achieve and would result in an overbearing adverse impact.
17. Consequently, I find that the proposed development would be contrary to Policy CS21 of the Core Strategy and the Outlook, Amenity, Privacy and Daylight SPD in that it would have an unsatisfactory relationship with the adjoining property with an overbearing effect due to bulk and proximity. It

would therefore not provide acceptable living conditions for future occupiers. It would also fail to address the requirement of the Framework to seek to ensure that development secures a good standard of amenity for existing and future occupants.

The Effect on the Thames Basin Heath SPA

18. Policy CS8 of the Core Strategy establishes the criteria for new residential development to make an appropriate contribution to towards the provision of Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM) in the Thames Basin Heath SPA. The appellant has not disputed the level of financial contributions which the Council sought in respect of mitigation. As the SANG would be provided through the Community Infrastructure Levy a unilateral undertaking (UU) under section 106 of the Town and Country Planning Act 1990 would be required to secure the provision of the SAMM.
19. Whilst the appellant has confirmed its willingness to provide the appropriate mitigation, as no UU has been provided the proposed development would be contrary to Policy CS8 of the Core Strategy and the Thames Basin Heaths Avoidance Strategy, 2010-2015. Together these require appropriate mitigation/avoidance measures to be demonstrated and secured prior to approval of the development. In addition the development would be contrary to section 11 of the Framework which seeks to conserve and enhance the natural environment.

Other Matters

20. The appellant has indicted that the addition of two dwellings would contribute to the housing stock but whilst this is a benefit of the scheme it is not sufficient to outweigh the harm which I have identified.

Conclusion

21. For the reasons set out above, the appeal is dismissed.

Kevin Gleeson

INSPECTOR