

Appeal Decision

Site visit made on 16 January 2017

by Ray Wright BA(Hons) DipTP MRTPI

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

Decision date: Wednesday 1 February 2017

Appeal Ref: APP/A3655/D/16/3163657
78 Sandy Lane, Maybury, Woking GU22 8BH

- 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 T Hussain against the decision of Woking Borough Council.
 - The application Ref PLAN/2016/0784 was refused by notice dated 6 September 2016.
 - The development proposed is for an 'outbuilding'.
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Decision

1. The appeal is dismissed

Procedural Matters

2. The Council's 'Development Management Policies' Development Plan Document (DMP) was adopted in October 2016 after the decision the subject of this appeal was made. Consequently I have taken into account the relevant policies cited by the Council in this decision.
3. The building, the subject of this decision, is already in place and I have considered the appeal on this basis.
4. The outbuilding has been identified by the Council as a separate dwelling. However, although the building has been subdivided into a number of individual rooms, and has a side entrance door with a letterbox, at the site visit I saw no evidence of the use for independent residential purposes. I note the appellant indicates the use to be a gym and home office and I noted some gym and play equipment within the building. In the circumstances, the Council's objections relating to insufficient garden space and parking provision for two dwellings, as set out in the decision notice, are not relevant to this particular appeal.

Main issues

5. The main remaining issues in this case are the effect on the character and appearance of the area, and the effect on the living conditions of adjoining occupiers, having particular regard to overlooking/loss of privacy.

Reasons

6. The appeal site contains a semi-detached dwelling, with a rear garden containing a single storey outbuilding. It has a shared driveway with no 80 Sandy Lane to the side of the property.
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7. The National Planning Policy Framework (Framework) indicates that there should be a presumption in favour of sustainable development. It confirms, however, that good design is a key aspect of sustainable development and that development of poor design, which fails to take the opportunities available for improving the character and quality of an area, should be refused.
8. Policies CS1, CS21, CS22, CS24 and CS25 of the Woking Core Strategy 2012 (CS) set out a spatial strategy which supports sustainable development but requires sustainable construction with a high quality design, enhancing distinctive townscape character and attractiveness. Policies DM9 and DM10 of the DMP set out requirements for ancillary accommodation and development of garden land.

Character and Appearance

9. Policy CS21 indicates new development should have due regard to such matters as scale, height, proportions and materials and other characteristics of adjoining buildings and other guidelines are given in the Woking Design Supplementary Planning Guidance 2015 (SPD).
10. The appeal property forms part of a group of similar dwellings with small front forecourts but more expansive rear gardens. Due to the shared access with the adjoining no 80, views of the outbuilding can be obtained from the street and the building is prominent from immediately adjoining properties and their gardens.
11. The appellant identifies that the outbuilding has a floor space of around 49m², and a height of just over 3 metres. This results in it having a considerable bulk and mass which is further emphasised by an adjoining patio area.
12. The structure fills a substantial part of the rear garden area, with limited gaps to its boundaries. Its design, form, layout and materials do not provide an appropriate link to, or match, any nearby development. As such, to my mind, it does not suitably relate to nearby buildings and is at odds, and out of keeping, with surrounding development. The building represents a large and prominent structure in this suburban rear garden setting. The form of the building combined with the existing rear extension to the property highlights and draws attention to the cramped layout of this site compared with the more spacious general pattern of nearby dwellings and their gardens.
13. I conclude that the appeal scheme, involving retention of this building, would adversely affect and harm the character and appearance of the area. As such it is contrary to the Framework, and in particular, Policies CS1, CS21, and CS24 of the CS and SPD.

Living Conditions

14. One of the principles of the Framework is to seek a good standard of amenity for all existing occupiers of buildings. Similarly, Policy CS21 of the CS confirms new development should have a satisfactory relationship with adjoining properties avoiding significant harmful impacts including loss of privacy. Further requirements on layout and spacing of buildings are given in the 'Outlook, Amenity, Privacy and Daylight' Supplementary Planning Document 2008 (SPD-1).

15. The outbuilding has large patio doors facing the main dwelling and a window on its northern elevation. Due to the level of the building and its height relatively clear views can be obtained into the rear garden and rear facing windows of the property at no 76. Due to the spacing created by the access drive, boundary fencing and shrubbery, views are more restricted towards the ground floor windows of no 80. Although views of upper floor windows of this and adjoining properties are evident. The impact of this overlooking and potential loss of privacy is considerably increased by the patio where associated use is likely to be considerably enhanced by the large adjoining patio doors. Overall, the impact of the development, as constructed is, in my view, detrimental to the privacy of adjoining properties. While the appellant has put forward potential conditions relating to control of glazing and fencing I have no specific details of what would be proposed and without such information I am not convinced such measures would adequately ameliorate the overlooking identified .
16. I conclude that the development by reason of overlooking and loss of privacy adversely affects the living conditions of the adjoining residential occupiers and, as such, is contrary to the Framework, Policy CS21 of the CS and SPD-1.

Other Matters

17. I appreciate that a certificate of lawfulness has been issued by the Council confirming that an outbuilding could be constructed under 'permitted development'.¹ However, the appellant confirms that the building on site did not conform to the approved plans and indicates all the dimensions of the building, as now constructed, are larger than identified in this previous decision.
18. This appeal relates solely to the Council's refusal of planning permission and is a determination made under Section 78 of the above Act. My determination of this appeal under this section of the Act does not affect the issuing of a further determination under Sections 191/192 of the same Act.
19. While a building constructed in accordance with the certificate of lawfulness would still be a prominent feature in this location, the reduced dimensions, in particular its reduced height would lessen its visual impact and the overall harm caused to the townscape of the area.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

Ray Wright

INSPECTOR

1 Under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).