The Planning Inspectorate

# Appeal Decision

Site visit made on 23 February 2017

**by Megan Thomas Barrister-at-Law**

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

**Decision date: 16 March 2017**

**Appeal Ref: APP/A3655/D/16/3165212**
**Merrywood Cottage, Hook Heath Avenue, Woking GU22 0HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr James Simpson against the decision of Woking Borough Council.
- The application Ref PLAN/2016/0824, dated 11 July 2016, was refused by notice dated 8 September 2016.
- The application sought planning permission for removal of mansard roof over existing annex (Merrywood Cottage) and formation of first floor extension with pitched roof over, and part two storey, part single storey extensions with associated alterations to fenestration following demolition of existing ground floor link to Merrywood and demolition of existing garage to annex. Erection of side and front extension to Merrywood, with associated formation of balcony to rear following demolition of existing single storey garage without complying with a condition attached to planning permission Ref. PLAN/2015/0035, dated 2 June 2015.
- The condition in dispute is No.7 which states that: "Notwithstanding any indication given otherwise by the approved plans, the extension to and use of Merrywood Cottage shall be ancillary and incidental to the residential use of the dwelling known as Merrywood and shall not be occupied at any time as an independent residential dwelling."
- The reason given for the condition is: "to avoid an intensification of use of the site and to comply with Policies CS18, CS21, CS24, CS25 of the Woking Core Strategy 2012".

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. Merrywood is a large arts and crafts-style dwelling situated on and highly visible from Hook Heath Avenue. It has an attached annex to its western side which has a mansard roof, and it is connected to the main house by a single storey link. The annex is known as Merrywood Cottage. The land was granted planning permission dated 2 June 2015 to undertake alterations/extensions to the main house and annex on the site and condition 7 on that permission tied the use of Merrywood Cottage to ancillary use only, so as to prevent it being lawfully used as an independent residential unit. The appeal before me seeks to delete that condition.

3. However, the use of Merrywood Cottage is said by the Council to be governed by the November 1971 planning permission under which it was erected and there is a condition on that permission which restricts the use of it to, amongst other things, purposes ancillary to the use of Merrywood as a private single family dwelling. There is no appeal before me to remove that condition but, nevertheless, I have dealt with the appeal which is before me.

## Main Issues

4. The main issues in the appeal are the effect of the proposal on the character and appearance of the area and the effect on highway safety and convenience.

## Reasons

*Character and appearance of the area*

5. Merrywood is situated within the Hook Heath Estate. This is an area of generally low density housing in a wooded landscape. It is typified by detached houses in spacious plots. Recently the Hook Heath Neighbourhood Plan 2015-2027 'NP' has been made and adopted and the appeal site falls within that Plan area. The site is not, however, in a Conservation Area, nor is the building listed or said to be of townscape merit.

6. Policy BE1 of the NP indicates that new development should closely reflect the existing rhythm and proportion of nearby buildings. Where possible, plot sizes should be similar to those adjacent. It also indicates that development proposals should ensure that the specific context of the site and the wider character of the street scene are fully taken into account in relation to scale and appearance, amongst other things. Development proposals should also result in a ratio of building footprint to plot area similar to that of buildings in the surrounding area.

7. Policy CS24 of the Woking Core Strategy 2012 requires development to provide a positive benefit to the townscape character and respect the setting of and relationship between individual buildings.

8. Merrywood and Merrywood Cottage occupy a large plot and, in the past, Merrywood's plot has also included dwellings now in Blenheim Gardens to the immediate south/southwest. The resulting plot in which Merrywood Cottage would sit would be considerably smaller than the prevailing plot size in the Hook Heath Estate area. The separated Cottage with its very close physical relationship to Merrywood would not reflect the existing rhythm of nearby dwellings. In coming to this view, I have borne in mind that the double garage in front of Merrywood Cottage would be removed creating more open space in the front of the Cottage than now exists. I have also borne in mind that there is permission for a dropped kerb outside the front of the Cottage. However, these factors do not outweigh my overall view that the local distinctiveness of the Estate would be harmed by the Cottage becoming a separate independent dwelling.

9. Notwithstanding that the appeal site is located on Hook Heath Avenue which is likely to see more traffic movements than the quieter Estate roads, the generous spacious character of the Estate can be readily appreciated as one moves along Hook Heath Avenue. The low density, generally wide frontage

appearance would be eroded and would appear as an oddity in the streetscene with a noticeably narrower frontage for Merrywood Cottage. I do not agree with the appellant that the character or appearance of the streetscene would be improved by the proposal. The existing annex and main building are read as one residential unit surrounded by dwarf walls and metal railings indicating one residential plot and this appearance is in keeping with the local distinctiveness of the Estate generally. Even though there is a presumption in favour of new development in this residential area, that does not apply where development would not conform to the existing pattern of development. The proposal would not conform to the existing pattern of development in the area.

10. On this issue, I find that the proposal would unduly harm the character and appearance of the area and would be contrary to policy BE1 of the NP and policies CS21 and CS24 of the CS.

*Highway safety and convenience*

11. Policy BE2 of the NP specifies that development proposals should provide adequate parking on-plot and cannot rely on on-street parking. It further specifies that the number of on-plot parking spaces for dwellings with 4+ bedrooms is three. Planning permission (ref PLAN/2015/0035), if built out, would render Merrywood Cottage a five-bedroomed dwelling and so 3 on-plot parking spaces would be required by policy BE2. I have noted that parking requirements in the Council's Supplementary Planning Document *Parking Standards* 'SPD' are fewer than three. However, policy BE2 is adopted policy which is part of the statutory development plan and is policy to which I should, and do, attach more weight than advice in the SPD.

12. The appellant has produced a drawing (ref: Site/02) showing 3 "car spaces" on the site, situated in front of an extended Merrywood Cottage with arrows showing the way cars would manoeuvre in the space in front of the parking spaces. The drawing does not adequately demonstrate to me, or persuade me, that 3 vehicles could be parked in the locations shown, or alternatively if they could, that each would have sufficient room to manoeuvre so that it could exit in a forward gear onto Hook Heath Avenue. As I saw from my site visit and from representations made by the Highway Authority, Hook Heath Avenue is a relatively busy road linking Woking/Hook Heath to St Johns. As such, reversing manoeuvres onto it from the Cottage, or reversing into the Cottage from Hook Heath Avenue are manoeuvres which should be avoided for highway safety and free-flow-of-traffic reasons. I also share the concern of the Highway Authority that the appellant has not demonstrated that there would be sufficient visibility afforded to vehicles reversing out of the site to mitigate the risks of conflict with vehicles on Hook Heath Avenue.

13. Consequently, on this issue, I conclude that the proposal would be likely to result in unacceptable harm to highway safety and highway convenience and would be in conflict with policy CS18 of the CS and policy BE2 of the NP.

**Other Matters**

14. A section 106 unilateral obligation addressing a Strategic Access Management and Monitoring (SAMM) contribution in connection with mitigation for potential

damage to the Thames Basin Heaths Special Protection Area 'SPA' has been submitted. It is dated 25 February 2017 but it is not signed by the Mortgagee. In this case, it is necessary for it to be signed by the Mortgagee who has a legal interest in the land. In view of that and my findings above, it is not necessary for me to deal with the issue of harm to the SPA.

**Conclusion**

15. I have borne in mind a number of matters which the appellant considers would be benefits of the proposal such as an increase in the housing stock in the Borough and additional Council tax revenue. However, those benefits do not outweigh the harm that I have identified above. Consequently, having taken into account all relevant representations, I conclude that condition 7 should remain attached to planning permission (Ref.PLAN/2015/0035) and I dismiss the appeal.

*Megan Thomas*

INSPECTOR