

Appeal Decision

Site visit made on 12 June 2016

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 20th June 2017

Appeal Ref: APP/A3655/W/17/3171205

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/2016/1120, dated 4 October 2016, was refused by notice dated 8 February 2017.
 - The development proposed is extensions and alterations to create one x one bed duplex unit and one studio flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on i) the living conditions of future occupiers ii) the character and appearance of the area and iii) the Thames Basin Heaths Special Protection Area (TBHSPA).

Reasons

3. 22 High Street (No 22) comprises a commercial unit at ground floor, undergoing refurbishment as a hot food takeaway at the time of my visit, with residential accommodation above. To the rear there is a single storey extension, which appears to be associated with the commercial unit. There is also a detached outbuilding, referred to as the Coach House, which is a somewhat rundown building situated adjacent to the existing vehicular access from the High Street. The High Street includes a variety of shops and services together with residential.
 4. It is proposed to provide a single storey extension to the rear of the Coach House and to raise the roof height of the existing building in order to provide some first floor accommodation. Two residential units would be provided in the altered building, a ground floor studio flat and a one bedroom duplex apartment. The rear yard, which is currently overgrown, would provide a shared outdoor space for the new units and the existing residential unit at No 22. Pedestrian and vehicular access to the site would be generally as existing. Commercial and residential bins serving the existing uses at No 22 are currently positioned in front of the Coach House, visible from the High Street.
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Living conditions

5. The access to the studio flat would pass immediately adjacent to main windows to the open plan living area of the duplex unit. This would allow direct views at close range into the duplex unit by occupiers and visitors of the studio flat. Furthermore, the shared amenity space, which would be of limited scale and thus concentrated close to the ground floor windows of both units, would adversely affect privacy levels experienced by future occupiers of the new units to an unacceptable degree. This would be exacerbated by the presence of a window with metal security bars in the single storey rear projection of No 22, which faces the proposed position of the duplex unit at close range. There is no indication on the plans that this window would be stopped up.
6. The outlook from the ground floor of the duplex unit would be significantly restricted by the proximity of the single storey projection of No 22, and the outlook from both units would be limited by the proximity of the proposed boundary fences. The outlook beyond the boundary fence in the direction of No 24 High Street is currently the flank wall of a rear extension, which is somewhat unsightly and projects above the fence, together with two stacked shipping containers. I have no evidence before me to indicate whether the shipping containers are sited temporarily or otherwise, or which premises they relate to. Nonetheless, these adverse effects of these elements would exacerbate the detrimental effect of the limited outlook on the living conditions of future occupants. In these respects the proposal would be contrary to adopted Policy CS21 of the Woking Borough Core Strategy 2012 (CS), which among other things seeks to ensure that new development would achieve a satisfactory relationship with adjoining properties to avoid significant harm including in terms of privacy and outlook.
7. I note that the Council's adopted 'Outlook, Amenity, Privacy and Daylight' Supplementary Planning Document 2008 (SPD) does not require private amenity space for non-family accommodation, including one and two bedroom flats. Nevertheless, it does advise that sufficient space around all dwellings should be provided for shared amenity and to give an appropriate setting for the building, including in terms of privacy and outlook requirements. Given the limited scale of the site, the relationship of the new units with each other and the adjacent premises, and the position of the access and shared amenity space immediately adjacent to habitable rooms, insufficient separation or privacy barriers would be provided to ensure satisfactory living accommodation for future occupants in terms of privacy and outlook. The proposal would therefore be inconsistent with the SPD in this regard.
8. In addition, the proximity of the commercial premises at No 22, including related noise, activity and odour that may be associated with the operation of that unit such as deliveries, cooking, staff entering and leaving, and the commercial bins, would have the potential to result in a poor quality living environment and, therefore, a significant adverse effect on the living conditions experienced at the new units. I note that the proposal includes a bin store, where there is no existing formal arrangement. While this would be likely to improve the existing situation in relation to refuse storage, it does not fully mitigate my general concerns in relation to the quality of the living environment that would be provided.

9. I have not been provided with a policy to indicate that the Council has adopted the NDSS. Nonetheless, the appellant advises that the internal living space proposed has been designed to accord with the government's Nationally Described Space Standards (NDSS). Either way, there is no significant evidence before me to suggest that the internal living space proposed would result in any significant harm to the living conditions of future occupiers, and based on the reasonable floor areas proposed I see no reason to conclude otherwise.
10. Notwithstanding this, I conclude that the proposed development would harm the living conditions of future occupiers. It would therefore conflict with Policy CS21 of the adopted CS, the relevant requirements of which are set out above. For the same reasons, it would be inconsistent with paragraph 17 of the National Planning Policy Framework (the Framework), which among other things seeks to ensure a good standard of amenity for all existing and future occupants, and with relevant requirements of the Council's adopted Outlook, Amenity, Privacy and Daylight SPD, as set out above.

Character and appearance

11. The proposal would result in two new residential units in a limited plot, largely to the rear of the host building. As set out above, the site is limited in scale and as a result the proposal would fail to provide an appropriate setting for the new units. The result would be a cramped and contrived form of backland development, which would fail to respect the general pattern and layout of development nearby, or to have a satisfactory relationship with adjoining properties. As a result it would be generally out of keeping with the overriding character of the area, where I noted no other significantly similar forms of backland residential development nearby. This would be contrary to Policy CS21 of the adopted CS, which among other things seeks to ensure that development would respect the character of the area, including in terms of scale, building lines, and layout.
12. The Coach House building is set back from the road and is visually unassuming in the street scene, albeit the timber detailing of the elevation facing the High Street adds interest. The front elevation is clearly visible in public views, but the proposed shared amenity area and rear extension to the building would be largely screened from public view. The adjacent former library site has been redeveloped with a modern residential building. The new building lies adjacent to the boundary with the appeal site. The proposed raising of the roof height of the Coach House, and the alterations to the front elevation including windows and doors, would have the foremost effect on the appearance of the area.
13. I note that the timber detailing would be retained or replicated. As a result of the degree of set-back, the subservient nature of the Coach House to the larger adjacent buildings, and the mixed built form locally, I do not consider that these alterations would have a significant effect on the appearance of the street scene. Furthermore, the refurbishment of the building would have a positive effect, albeit limited by the relatively small scale and set-back nature of the scheme. I therefore consider that the proposal would not harm the appearance of the street scene and I find no significant conflict with Policy CS21 in this respect.

14. I note the Council's submission that a previous refused application PLAN/2016/0420 was dismissed at appeal, including in relation to the character and appearance of the area. I have not been provided with the plans proposed in that case, the appeal reference, or a copy of the appeal decision, but I understand that it included a larger extension to the Coach House. Nevertheless, I note that the Inspector found that the proposal in that case would cause harm to the character and appearance of the area, and the street scene generally. Given that the decision related to a larger scheme, and the very limited related evidence before me, I am unable to give significant weight to the previous appeal decision, and I have anyway determined this appeal on the merits of the scheme before me.
15. I therefore conclude that while the proposed development would not harm the appearance of the street scene, it would harm the character of the area. It would therefore conflict with Policy CS21 of the adopted CS, the relevant criteria of which are set out above.

Special Protection Area

16. It is established that any development resulting in a net increase in the number of dwellings within 5km of the TBHSPA, without avoidance measures, would be likely to have a significant effect on the SPA within the meaning of the Conservation of Habitats and Species Regulations 2010. Policy CS8 of the adopted CS sets out that new residential development which is likely to have a significant effect on the purpose and integrity of the SPA will be required to demonstrate that adequate mitigation measures are put in place to avoid any potential adverse effects.
17. The appellant has provided a signed S106 Unilateral Undertaking (UU), dated 20 January 2017, in respect of the necessary contribution towards Strategic Access Management and Monitoring (SAMM) identified by the Council in accordance with the tariff set out in its adopted TBHSPA Avoidance Strategy 2010-2015. The Council confirms that the Suitable Alternative Natural Greenspace requirement is encompassed within its Community Infrastructure Levy. The Council's legal officer considered the draft UU to be acceptable but raised concerns that the contribution should be paid upfront rather than on commencement of development because the mortgagee is not included in the agreement. However, the UU before me does specify that the mortgagee shall be subject to its provisions.
18. I have considered the UU in relation to the tests set out CIL Regulations 122 and 123 and paragraph 204 of the Framework. The contribution relates to SAMM and would be reasonably related in scale and kind to the development. I am therefore satisfied that the UU meets the relevant tests and that it provides sufficient mitigation, by way of contributions, to satisfy the requirements of Policy CS8, the relevant requirements of which are set out above. Accordingly, I am satisfied that the development would not affect the overall integrity of the SPA.

Other Matters

19. I have had regard to the various benefits of the proposal, including that it would provide two small residential units that may allow people to access the property ladder, in an accessible location close to shops and other services. I also note that it would involve the re-use of a vacant building and that high

sustainability credentials are proposed, including in relation to energy and water efficiency, although there is limited evidence before me to support these credentials. While there may be a local need for smaller units, and the proposal would make a contribution to the local housing target, the benefits arising from two units would necessarily be modest. Accordingly, these benefits do not outweigh the harms that I have identified above.

Conclusion

20. While I have not identified harm in relation to the appearance of the street scene or the integrity of the TBHSPA, I have identified significant harm in relation to the living conditions of future occupiers and the general character of the area. For these reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR