
Appeal Decision

Site visit made on 13 June 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 4 July 2017

Appeal Ref: APP/A3655/W/16/3161535

152 High Street, Old Woking, Woking GU22 9JH

- 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 Mrs K M Sloane against the decision of Woking Borough Council.
 - The application Ref PLAN/2015/0528, dated 11 May 2015, was refused by notice dated 10 May 2016.
 - The development proposed is Erection of two detached dwellings to the rear of No.152, with associated car parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. One of the Council's reasons for refusal on its Decision Notice relates to the lack of a contribution towards affordable housing. However, following recent Government advice, the Council has confirmed it wishes to withdraw this reason for refusal. As such, I do not consider it necessary for me to consider this matter further and I have determined the appeal on this basis.

Main issues

3. The main issues are whether the proposal would preserve or enhance the character or appearance of the Old Woking Conservation Area (OWCA); the effect of the proposal on flood risk; and the effect of the proposal on the TBHSPA.

Reasons

OWCA

4. The appeal site lies within the Old Woking Conservation Area (OWCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that with respect to development affecting buildings or other land in a conservation area, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." In addition, Paragraph 132 of the National Planning Policy Framework (the Framework) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5. The Old Woking Conservation Area Character Appraisal and Design Guidance Supplementary Planning Guidance 2001 (SPG) notes that the OWCA forms the heart of the Old Woking village centre, located on the southern edge of the urban area approximately one mile to the south of Woking's modern town centre. The SPG also notes that there are a variety of building styles from a variety of periods and whilst there are a mix of uses, residential use predominates. Views of St Peter's Church, with its distinctive square tower, are noted as important within the OWCA and it is noted that buildings along the High Street generally have narrow frontages.
6. The appeal site comprises part of the former long rear garden of 152 High Street, a narrow, semi-detached, two storey dwelling which fronts the highway. It contains some overgrown vegetation and a number of trees. A recent development of three, three storey terraced town houses lies to the west. The townhouses provide a courtyard setting between them and further recent residential development associated with 150 High Street, formerly a public house. Dwellings along The Cloisters lie to the east of the appeal site.
7. The townhouse development, whilst introducing additional built form into this part of the OWCA, maintains a substantial level of separation between itself and built form along High Street, Broadmead Road and The Cloisters. Therefore, whilst the development pattern along High Street is typically of close knit dwellings within narrow plots, a more spacious and open character exists to the rear of the High Street in the vicinity of No 152. I observed that there has been no material change in this situation since my consideration of an appeal¹ for a new dwelling to the rear of No 146. The appeal site, which is currently undeveloped, and which views across it can be obtained from along High Street through a gap between Nos 152 and 150, positively contributes to the spatial qualities and to the character and appearance of this part of the OWCA.
8. The proposal seeks to introduce two, detached, 1.5 storey dwellings onto the appeal site. I acknowledge that the Council has raised no objections to the design of the proposed dwellings or to their proposed materials on purely aesthetic grounds and considers that their traditional nature would be in keeping with that of the OWCA. I also acknowledge that the proposed dwelling on Plot 2 would appear subordinate to the adjacent townhouse development. In addition, I accept that key views towards St Peter's Church would not be affected.
9. Nevertheless, the proposed dwelling on Plot 2 would be sited in close proximity to the adjacent townhouses. This would substantially erode the gap between them and dwellings along The Cloisters with detriment to the sense of space and openness in the area. In addition, the proposed dwelling on Plot 1 would appear prominent from along High Street and would foreshorten views from along this road across the appeal site by a considerable degree. This would greatly add to the loss of a sense and space and openness in the area. In addition, this dwelling would appear to stand alone and would thereby display little spatial relationship with surrounding built form.
10. Whilst I note that 13 The Cloisters is a stand alone building, it shares a strong relationship with existing dwellings along The Cloisters and is accessed from this road. In addition, it is my understanding that this dwelling replaced an

¹ Appeal Ref APP/A3655/W/15/3134975

existing building. Thus, it cannot reasonably be said that the appeal site, which is undeveloped, shares the same context. As such, the presence of No 13 does not justify a planning permission in this instance.

11. The proposed dwellings would therefore appear as a cramped and incongruous form of development which would erode the spatial qualities of this part of the OWCA and which would thereby fail to respect the prevailing pattern of development in the area. The proposal would therefore fail to preserve or enhance the character or appearance of the OWCA. However, in the context of the OWCA as a whole, I consider the harm arising to the significance of the OWCA designated heritage asset would be less than substantial.
12. As required by paragraph 134 of the Framework, I must therefore consider whether there would be any public benefits that would outweigh the less than substantial harm identified above. The proposed dwellings would occupy a location with a good level of access to local services and facilities for any future occupiers. In addition, a number of short-term construction jobs would be created. I also acknowledge the benefits of two additional housing units with regard to increasing the housing supply in the District, in light of the alleged inability of the Council to meet a five year supply of housing land. Having regard to the policies of the Framework as a whole, I accept that these benefits may be, in the context of Paragraph 134 of the Framework, public benefits. However, even if I were to accept that the Council cannot demonstrate a five year supply of housing land, a matter that is disputed by the Council, such a contribution to housing supply would be modest. Thus such a benefit, even in combination with the other identified benefits, would not be sufficient in my view to outweigh the harm to the OWCA designated heritage asset.
13. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the OWCA contrary to the requirements of s72(1) of the Act and that the harm identified, albeit less than substantial, would not be outweighed by public benefits as required by Paragraph 134 of the Framework. It would also be contrary to Policies CS20: Heritage and Conservation and CS21: Design, of the Woking Core Strategy 2012 (Core Strategy); and Policy DM20: Heritage Assets and their Setting, of the Woking Development Management Policies Development Plan Document 2016 (DPD). These policies require, amongst other things, development to respect, conserve and enhance the character and appearance of the area, including conservation areas.
14. The proposal would also conflict with the guidance of the SPG which advises that development should preserve or enhance the character or appearance of the OWCA.

Flood risk

15. The Framework indicates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere. In relation to decision making, the Framework indicates that this translates into an approach whereby local planning authorities should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test (ST), it can be demonstrated that the development is appropriately flood resilient and resistant.

16. Part of the land within the appeal site lies within Flood Zone 2, as identified on the Environment Agency (EA) flood zone map. New dwellings are classified as a More Vulnerable Use by the EA. The aim of the ST is to steer new development to the areas with the lowest probability of flooding. The Planning Practice Guidance (PPG) advises that, in applying the ST, the aim is to steer new development to Flood Zone 1, these being areas with a low probability of flooding. Only where there are no reasonably available sites in Flood Zone 1 should reasonably available sites in Flood Zone 2 be considered.
17. The appeal site is not allocated for housing, nor is the proposal for a change of use of an existing building. Neither, in my view, can it reasonably be considered to be minor development. It therefore follows that the ST should be applied to the proposal. The appellant has submitted a ST which sets out that no similar sized plots of land capable of accommodating 1-2 dwellings has been identified from Ordnance Survey maps. On this basis it concludes that there are no other readily available small sites within Old Woking for residential development. However, no maps of the search area have been provided and it is unclear what methodology was used to reach this conclusion. The ST provided is therefore not adequately robust to demonstrate convincingly that there are no other readily available small sites within Old Woking that could deliver residential development. Moreover, I would concur with the Council that the ST should be applied to the Borough as a whole. The proposal therefore fails to accord with the ST required by the Framework and the PPG.
18. I acknowledge that a site specific Flood Risk Assessment has been submitted which indicates a number of measures could be taken to mitigate against future flood risk. Furthermore, that internal floor levels could be raised to the required levels without increasing the overall height of the dwelling on Plot 2. However, the Framework and the PPG are clear that a robust ST must be completed for the type of development proposed given that the appeal site, albeit only in part, is subject to Flood Zone 2. In addition, Table 3: Flood Risk Vulnerability and Flood Zone 'Compatibility', of the PPG, which identifies that more vulnerable uses are appropriate in Flood Zone 2, is only relevant after the application of a ST.
19. In the absence of a robust ST, I conclude that the proposal would fail to accord with the requirements of the Framework in relation to development in areas at risk of flooding. It would also conflict with Policy CS9: Flooding and Water Management, of the Core Strategy, which reflects these requirements.

TBHSPA

20. The appeal site is located within 400m-5km of the Thames Basin Heaths Special Protection Area (TBHSPA). Saved Policy NRM6: Thames Basin Heaths Special Protection Area, of the South East Plan 2009 (SEP) and Policy CS8: Thames Basin Heaths Special Protection Areas, of the Core Strategy, indicate that permission will not be given for development that is likely to have a significant effect, either alone, or in combination with other development, upon the integrity of the TBHSPA within this zone. The Council's Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 sets out the measures required to avoid harm to the TBHSPA, including in respect of the type of development proposed, setting out that financial contributions are required towards Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).

21. The Council has a Community Infrastructure Levy Charging Schedule (CIL) in place that would ensure the contribution towards SANG. A contribution of £1658 would also be required, secured through a legal agreement, in respect of SAMM. The appellant has provided a completed Unilateral Undertaking (UU) under section 106 of the Town and Country Planning Act 1990 to provide for this payment and indicates that such a payment has been made to the Council. Correspondence from the Council's Legal Officer confirms that the UU is acceptable. I have no substantive reasons before me to consider otherwise.
22. I therefore conclude that the proposal would adequately mitigate any harmful effects on the TBHSPA in compliance with saved Policy NRM6 of the SEP and Policy CS8 of the Core Strategy. However, given that my decision is to dismiss the appeal anyway, I consider that the provision of the UU is a neutral factor in the overall balance I must reach and I have not placed weight on it.

Conclusion

23. Whilst I have not found harm to the TBHSPA, I have found harm to the OWCA and to flood risk. Any benefits would not outweigh such harm. Consequently, for the reasons set out above and having regard to all other matters, including trees, ecology, sunlight and privacy, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR