
Appeal Decision

Site visit made on 25 July 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 5 September 2017

Appeal Ref: APP/A3655/W/17/3172770

Unused vacant scrubland within Sussex Court, High Street, Knaphill, Woking, Surrey GU21 2QB

- 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 MA Nagle against the decision of Woking Borough Council.
 - The application Ref PLAN/2016/1452, dated 30 November 2016, was refused by notice dated 14 February 2017.
 - The development proposed is the erection of a bungalow and realignment of a small portion of private road.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a bungalow and realignment of a small portion of private road at unused vacant scrubland within Sussex Court, High Street, Knaphill, Woking, Surrey GU21 2QB, in accordance with the terms of the application, Ref PLAN/2016/1452, dated 30 November 2016, and the plans submitted with it, subject to the conditions on the attached schedule.

Procedural Matters

2. The appeal is accompanied by a unilateral undertaking (UU) for a financial contribution towards Strategic Access Management and Monitoring (SAMM). I return to this matter below.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character of the area; and,
 - the integrity of the Thames Basin Heaths Special Protection Area (SPA).

Reasons

The character of the area

4. Sussex Court appears to have been built where two different building lines along this section of the High Street meet. To the west, the houses are set relatively close to the street, whereas to the east the houses are set substantially further back. Sussex Court places two buildings parallel to these two lines, the one behind the other. In addition, a long compound of lock-up garages encloses the back of the plot.
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5. Sussex Court therefore already departs from the surrounding pattern of development where plots are occupied by a single line of development. Together with the garage buildings at the back of the plot, the character of that part of the appeal site directly behind Sussex Court is distinctly different from the neighbouring plots, characterised by long back gardens. Whilst the space is green and undeveloped, it appears unused and to have little direct connection with surrounding land. It is the space between the high boundary hedge of the rearmost block of Sussex Court, the garage compound and the access road.
6. As such, the development of this part of the site for a detached bungalow would not disrupt the spatial character of development at Sussex Court. I appreciate that the proposal would introduce a third line of development from the street, however, given the existing building forms and their disposition on the site, it would not undermine the clear patterns of development on either side of the site from which the development at Sussex Court is already quite different.
7. The dwellings in Sussex Court incorporate access indirectly from the street; access to the appeal proposal would be little different. The bungalow would have comparable site coverage to the neighbouring block of Sussex Court, and would provide sufficient space around it to retain existing landscape features and introduce a softer setting beside the access drive.
8. I therefore conclude that the proposal would not harm the character of the area, and there would be no conflict with policies CS21 of the Core Strategy 2012 and policy DM10 of the Development Management Policies 2016. These control curtilage size, frontage, access and landscape, and require development to respect and make a positive contribution to the character of the area having regard to the characteristics of adjoining land and buildings.

The integrity of the SPA

9. The appellant's UU dated 17 July 2017 makes provision in favour of the Council for a financial contribution towards the costs of the SAMM in connection with the SPA. The sum follows the Council's calculation based on the rate for a 5-bedroom dwelling as described in the adopted Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 Supplementary Planning Document. The Council has commented on the draft version of the UU, and has identified minor items for adjustment, which the appellant has amended in its final form.
10. CS policy CS8 and saved policy NRM6 of the South East Plan (SEP) refer to the effect of additional population arising from new residential development on the internationally recognised ecology and habitats of the Thames Basin Heaths Special Protection Areas. The overall strategy puts forward measures where these adverse impacts can be mitigated by the provision of Suitable Alternative Natural Greenspace (SANG) and SAMM. These mitigation measures can normally be secured by contributions linked to development proposals and the Council advises that the SANG element is included in the Community Infrastructure Levy.
11. I am satisfied that the payment of the SAMM contribution would be necessary, directly related to the development and fairly and reasonably related to it in scale and kind. As such, it would accord with Regulation 122 of the Community

Infrastructure Levy Regulations 2010 and Paragraph 204 of the Framework. The executed UU makes provision for SAMM prior to commencement of the development. I therefore conclude on this issue that appropriate mitigation measures are in place to protect the integrity of the SPA, and that there would be no conflict with CS policy CS8 and SEP policy NRM6.

Other Matters

12. I have had regard to the concerns raised by local residents, and the Knaphill Residents Association. Given that the proposal is for a 2-bedroom house, the number of additional vehicle movements resulting on the access drive is unlikely to disturb neighbours over the present access to the garage compound.
13. Given the height of the dense hedge on the boundary to Sussex Court, there would be no material loss of privacy to the occupiers of Sussex Court. I appreciate that views of the site would change from its present unoccupied character. However, given the modest height of the bungalow, its separation from neighbouring houses, and the planting and fences to surrounding occupiers, there would be no material loss of privacy or outlook to surrounding occupiers. Whilst the site provides some wildlife habitat, the development would retain substantial areas of landscape that would allow this to continue.
14. The development would provide its own on-plot parking and would use the existing access onto the High Street. There is little evidence that the existing access presents a material risk to highway safety and I note the council does not object in this regard. The proposals indicate the removal of a parking bay alongside the existing access and the provision of a footway extending from the High Street to the front door of the proposal. It is unclear if the bay is for deliveries or for parking. At the time of my site visit, which was on a weekday morning, I did not see any restrictions on parking on the highway in surrounding streets, and the occupancy of the street parking was significantly less than 50% of the spaces available. The number of vehicle movements from the development is unlikely to present a risk to pedestrian safety even without the path. Notwithstanding this, the loss of the parking bay would not result in a material shortage of off-street parking provision.
15. I note that the terrace to the east of Sussex Court is locally listed. However, given the single storey scale of the proposal, its distance from the terrace and the planting separating it, there would be no harm to its setting.

Conditions

16. The Council has suggested a number of conditions that it considers would be appropriate were I minded to allow the appeal. I have had regard to these although I have amended and combined the requirements of some and omitted others taking advice in the Planning Practice Guidance (PPG) into account.
17. Conditions relating to commencement and plan numbers are necessary for the avoidance of doubt and in the interest of proper planning. To protect the character and appearance of the area a condition requiring details of materials is also reasonable and necessary. For the same reason, the submission of landscaping details is also required, though given the scale of the scheme, separate conditions for these are unnecessary. Given their place in the

programme, the resolution of these details should be before works above ground level commence.

18. The proposals indicate the retention of existing boundary enclosures, so a condition for details of such is unnecessary. There would be ample space for storing recycling, refuse and bikes within the development; in the light of the landscape condition, and given the scheme is for a single dwelling behind the street scene, a condition to secure their storage and their design is not necessary to make the development acceptable in planning terms.
19. The Council has referred to CS policy CS22 which references the Code for Sustainable Homes. While I note its suggested condition for energy performance, it is unclear how its terms relate to the relevant requirements of the Code. I am unconvinced that such a condition is relevant to the development or necessary to make it acceptable. However, the Council's intention to impose the optional requirement for a lower level of water consumption of 110 litres per day as set out in the Building Regulations, is clear and is supported by CS policy CS22, so I have imposed a performance condition to this effect albeit avoiding the need for an additional submission as this is provided for in the Regulations.
20. Given the coverage of the proposed house on the site and the spatial character of the surrounding buildings, the potential to enlarge the house further without adversely affecting the character of the area is limited. While the PPG advises that conditions limiting permitted development rights should only be used in exceptional circumstances, I agree that the withdrawal of permitted development rights for enlargement under class A (the enlargement, improvement or other alteration of a dwelling house) and class B (additions etc. to the roof of a dwelling house) and development under E (buildings etc. incidental to the enjoyment of a dwelling house) would be necessary. The removal of rights under these classes would be reasonable, as a restrictive condition would not prevent development, but would bring it under planning control.

Conclusion

21. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be allowed.

Patrick Whelan

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 1 Location Plan 1:1250; Drawing No. 3 Existing Block Plan 1:200; Drawing No. 4 Proposed Block Plan 1:200; Drawing No. 5 Proposed Plans 1:100; Drawing No. 6 Proposed Elevations 1:100, and; Drawing No. 7 Proposed Site Section 1:100.
- 3) No development above ground level shall commence until details or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples.
- 4) No development above ground level shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The dwelling hereby permitted shall not be occupied until the optional requirement for water efficiency of 110 litres per person per day as set out in regulations 36 and 37 of the Building Regulations 2010 as amended, has been complied with.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements as provided for within Schedule 2, Part 1, Class A and Class B, and no development as provided for within class E of that Order shall be constructed.

End of the schedule of conditions