



Appeal Decision

Site visit made on 24 July 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2019

Appeal Ref: APP/A3655/W/19/3227982

Land adj 19 Evelyn Close, Woking, Surrey GU22 0DG

- 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 A Power against the decision of Woking Borough Council.
 - The application Ref PLAN/2018/1161, dated 22 November 2018, was refused by notice dated 21 March 2019.
 - The development proposed is retention of the existing house within a reduced curtilage and erection of new three bedroom detached house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the proposal on, firstly, the European Nature Conservation designations, and secondly, the character and appearance of the area.

Reasons

European Designations

3. The site is within 5km of the Thames Basin Heaths Special Protection Area (SPA). Overlapping the SPA is the Thursley, Ash, Pirbright and Chobham Special Area of Conservation (SAC). These are nature conservation designations of European importance and afforded significant protection.
4. The proposal would result in a net gain in dwellings and therefore an increased population close to these protected sites. The proposal is not directly connected with, or necessary for, the management of the protected sites and, in combination with other projects across the area, could be likely to have a significant effect on the sites from the cumulative increased population nearby. In these circumstances, the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) require that an Appropriate Assessment is carried out.
5. The SPA qualifies for such protection due to supporting populations of breeding ground nesting birds, which are susceptible to predation and disturbance. The SAC qualifies due to the presence of particular rare habitats, also vulnerable to recreational pressure through trampling of vegetation and erosion. The additional dwelling proposed, whilst minimal on its own, would contribute to an

increased population in combination with other developments in the area. Given the proximity to these areas, it is likely that this increase in population will lead to an increase in visitor and recreational pressure within the SPA and SAC. Given the susceptibility and vulnerability of the qualifying features of the SPA and SAC to such use, it cannot be concluded that the development will not adversely affect the integrity of the protected sites in combination with other projects.

6. The Thames Basin Heaths SPA Avoidance Strategy (Avoidance Strategy) developed by Woking Borough in accordance with the Thames Basin Heaths Delivery Framework, has set out a three part strategy to avoid or mitigate these adverse effects. This is through provision of alternative recreational space to attract people away from the SPA, access management measures within the SPA, and habitat management. The Avoidance Strategy has the potential to demonstrate adequate avoidance or mitigation of significant adverse effects due to recreational pressure on the SPA, and the SAC given the similar influence of recreational pressure. This seeks financial contributions from development to contribute towards alternative space (Suitable Alternative Natural Greenspace) and management measures (Strategic Access Management and Monitoring).
7. However, whilst the appellant has indicated a willingness to enter into a legal agreement to make a financial contribution towards appropriate mitigation, no such agreement or mechanism has been secured. Without such mitigation in place, I cannot conclude that the development will not have an adverse impact on the integrity on the protected sites.
8. No alternative solutions that would have a lesser effect, or avoid an adverse effect, have been provided. Therefore, the Habitats Regulations states the permission must not be granted, unless there are imperative reasons of overriding public interest. Given the scale of the proposal, I do not consider the provision of an additional dwelling to represent such an overriding public interest in this case.
9. Therefore, evidence before me indicates that there is potential for recreational disturbance to the SPA and SAC through additional recreational activity associated with the proposed development, which has the potential to affect the integrity of these European nature conservation designations. Therefore, the proposal would be contrary to Policy CS8 of the Woking Core Strategy (2012) (CS) and saved policy NRM6 of the South East Plan (2009) as supported by the Habitats Regulations. Taken together, these require the safeguarding of international, national and local designated sites.

Character and appearance

10. The proposal is for a new dwelling within the side garden of 19 Evelyn Close. No 19 is a corner plot with existing garden substantially bigger than those in the vicinity. The cul-de-sac has a strong built frontage derived from the detached buildings being positioned closely, with limited gaps between, set in consistent building lines. There is a spacious character created by the setback from the street, with parking and gardens in front of the dwellings. There is some openness around the corners within the street, but also clear views of side elevations of properties where this occurs.

11. The proposal would introduce a new detached dwelling generally following the established front building line and limited gap between properties. Whilst not a 4 bed property and not including a garage, it would also use similar proportions and design features, reflecting the subtle variance of properties within the street. Suitable materials could be confirmed through conditions. The frontage would accommodate parking and a small garden, again retaining the open character. The positioning of the rear elevation would mirror the neighbouring built form and provide a similar length rear garden. Whilst the plot would be narrower than neighbouring properties this would not be significantly so and would not appear cramped or contrived. I recognise that the building would be positioned closer to pavement as it turns the corner, reducing its frontage, however there would still be some openness and it would not have a cramming effect.
12. The proposal would be positioned close to the pavement to the side, and result in some loss of openness in the corner of the cul-de-sac. However, the plot is positioned in the far corner when travelling along Evelyn Close and therefore less significant in the streetscene. Pedestrians entering from the footway to the south-east already have the perception of a closer form of development from the presence of the existing timber close-boarded fencing surrounding the garden of No 19 on the boundary. The proposal would not significantly alter this experience, block light or make the pedestrian route less safe.
13. The side elevation of the proposal would not have any fenestration or decorative treatment. However, whilst closer to the road than No 19 and therefore more prominent, this does reflect the blank side elevations that are a design feature of the dwellings on corner plots in the street.
14. Although I recognise that there is a level of local concern from residents relating to the effect of the proposal on the character and appearance of the area, I find that it would have an acceptable impact. Consequently, it would not be contrary to policies CS21 and CS24 of the CS and Policy DM10 of the Woking Development Management Policies Development Plan Document (2016). Taken together, and amongst other objectives, these require development to respect the streetscene and character of the area, conserve townscape character and not involve the inappropriate subdivision of existing curtilages.

Conclusion

15. Whilst I find that the development would have an acceptable impact on the character and appearance of the area, I also conclude that, as proposed, it has the potential to affect the integrity of the European nature conservation designations. This is a significant issue and must be overriding.
16. For the reasons given above, I conclude that the appeal should be dismissed.

Tim Crouch

INSPECTOR