



Appeal Decision

Site visit made on 2 July 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2019

Appeal Ref: APP/A3655/W/19/3225036

Land South of Ivydene, Knaphill, Woking, Surrey GU21 2TA

- 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 R Hedges of Barnsmoor Estates Ltd against the decision of Woking Borough Council.
 - The application Ref PLAN/2018/0736, dated 13 July 2018, was refused by notice dated 27 September 2018.
 - The development proposed is the erection of a 5-bedroom family dwelling with associated parking for 3 cars and new access by extending the existing road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I used the address given within the decision notice as it most accurately conveys the location of the site.
3. A fence has been erected adjacent to the appeal site, on land within the appellant's control. However, it was not determinative in my assessment, which was based strictly on the drawings and evidence before me.
4. At the appeal the appellant submitted a unilateral undertaking in relation to financial contributions to attempt to address the reason for refusal relating to the Thames Basin Heaths Special Protection Area. I shall return to this in more detail below.
5. During the appeal the appellant submitted a landscape plan in relation to land adjacent to the appeal site. As the plan is indicative, and as the main parties had time to comment on it during the appeal, I accepted it and had regard to it in my assessment.

Main Issues

6. The main issues are the effect of the proposed development on:
 - the living conditions of the occupants of Burley and Thetford, Bagshot Road, Chesley, Chobham Road and 10 Ivydene with regard to outlook and privacy;
 - the character and appearance of the area; and,
 - the integrity of the Thames Basin Heaths Special Protection Area.

Reasons

Living Conditions

7. The appeal site is formed of rear garden space to the south of the double cul-de-sac Ivydene and to the rear of the houses which front the converging Bagshot and Chobham Roads, which meet a short distance to the south. The proposed dwelling would occupy the eastern side of its plot, adjacent to the rear boundary of the rear garden of Chesley, and would provide three levels of living accommodation, with the highest incorporated within its roof.
8. Chesley is set back into its plot further than its neighbours and has a single storey rear extension. These factors lead it to have a relatively small rear garden and a close rear boundary. The proposed dwelling would present its 13m wide, two and a half storey mass in almost immediate proximity to and across the entire width of Chesley's rear boundary. Although there would be no overlooking or significant loss of light, the relationship between the two houses, coupled with the scale of the proposed dwelling, would create a degree of enclosure which would significantly diminish outlook from Chesley and its rear garden to the detriment of its occupants.
9. Although overlooking is common between properties in the area around the site, this does not generally exceed first floor level. When taking into account the single storey extension of Burley, overlooking from the three storeys of living accommodation within the principal elevation of the proposed dwelling would be closer to Burley and Thetford than the recommended minimum separation distance contained within the Council's Outlook, Amenity, Privacy and Daylight Supplementary Planning Document (2008) (OAPDSPA). In my view, the elevation and combined intensity of overlooking towards these properties and their gardens would be in excess of that typically experienced in the area and would unacceptably impinge upon the privacy of their occupants.
10. 10 Ivydene is very close to the existing highway, which would be effectively extended beyond it as a private driveway, bringing pedestrian and vehicle movements past its ground floor windows. However, such movements would be by their nature intermittent, and the resultant relationship would be consistent with other houses, such as Nos 8 and 9, which also sit very close to the adjacent carriageway.
11. I therefore conclude that, although the effect on the occupants of 10 Ivydene would be acceptable, the proposed dwelling would have an unacceptable effect on the living conditions of Burley, Thetford and Chesley with regard to outlook and privacy. It would conflict with Policy CS21 of the Woking Core Strategy (adopted 2012) (WCS), the Woking Design SPD (WDSPD), the OAPDSPA and the National Planning Policy Framework (the Framework) insofar as they require development to provide an appropriate standard of residential amenity.

Character and appearance

12. I observed that Ivydene has an open plan layout and a spacious character¹. The sense of space is particularly apparent at its southern end, which contains a large verdant parcel of land to the south and west of the turning head. The proposed location for the vehicular access would remove only a small part of

¹ consistent with the findings of appeal Ref 2144051.

this significant space, and with appropriate landscaping secured by condition, the driveway would be an open and inobtrusive feature.

13. Properties within Ivydene are consistently laid out in rows fronting the highway within rectangular plots. The proposed plot shape and layout and the ratio of garden to house space would not correspond to this pattern of development. However, the main part of the site is somewhat divorced from Ivydene and occupies a relatively discreet location from where it does not contribute directly to its character. For this reason, I do not consider it essential for the layout or garden size of the proposal to imitate neighbouring sites, and the dwelling would not appear cramped within Ivydene or erode its spacious quality.
14. Further, considering the variety of building designs within Ivydene and the surrounding area, and the relative detachment of the site from surrounding streets, it is not necessary for the proposal to prescriptively adhere to every design feature. The dwelling would have a generally traditional appearance and palette of materials, and incorporate features visible in Ivydene, such as a gable and dormer within its principal elevation. Given the circumstances, I am satisfied that its design would adequately reflect and pay positive regard to the character of the street scene.
15. I therefore find that the proposal would not have a harmful effect on the character and appearance of the area. It would accord with the design aims of Policy CS21 of the WCS, the Framework and the WDSPD. The classification of 'open space' in the Framework is predicated on an assumption of public access, and I consider that this is also reflected within the preamble of Policy CS17 of the WCS. As such, in respect of character and appearance, I find no conflict with Policy CS17.

Special Protection Area

16. The site is within influence of the Thames Basin Heaths Special Protection Area (SPA) which qualifies for protection as a habitat for rare ground nesting birds. It is evidenced that new residential development within this location would, both alone and in combination with other development elsewhere, have a significant harmful effect on the integrity of the SPA through recreational activities, in particular dog walking.
17. The parties do not dispute that, amongst other things, this can be mitigated through Strategic Access Management and Monitoring (SAMM). As a non-infrastructure obligation, this is required to be addressed outside of CIL. Although this mitigation is reflected within a signed and dated Unilateral Undertaking, the Council is concerned that it is incomplete and would therefore be ineffective.
18. However, as the circumstances that could have led to the granting of planning permission are not present, it is not necessary for me to ascertain the appropriateness and delivery of the mitigation within an Appropriate Assessment. Consequently, as I am dismissing the appeal for other reasons, I have not taken this matter further.

Other Matters

19. I have also had regard to representations about access, parking and highway safety, drainage and trees, but these matters have not affected my finding on the main issues.

Planning Balance

20. The government is seeking to significantly boost the supply of housing and the proposal would provide a family home in an accessible residential location where the principle of development is supported by the development plan. However, due to the small scale of the proposal this social benefit would be modest and would be outweighed by the harm to living conditions of neighbouring occupants that I have identified. The absence of harm to the character and appearance of the area is a neutral factor in my assessment.
21. I therefore find that the proposal would conflict with the development plan when read as a whole. There are no other matters, including the Framework, that outweigh this conflict.

Conclusion

22. For the reasons outlined above, and taking into account all matters raised, the appeal is dismissed.

Matthew Jones

INSPECTOR