The Planning Inspectorate

Appeal Decision

Site visit made on 22 October 2019

by Martin Small, BA (Hons), BPl, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2019

Appeal Ref: APP/A3655/W/19/3233621
Winton, 32 Woodham Road, Horsell, Woking, GU21 4DP

- 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 and Mrs T J Miller against the decision of Woking Borough Council.
- The application Ref: PLAN/2019/0430 dated 29 April 2019, was refused by notice dated 3 July 2019.
- The development proposed is the demolition of existing detached dwelling and erection of 2 x 4/5-bedroom detached dwellings with integral garage. Creation of additional vehicular cross-over.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on i) the character and appearance of the area, including its effect on protected trees and ii) the integrity of the Thames Basin Heaths SPA.

Reasons

Character and appearance

3. Woodham Road primarily comprises large detached dwellings sitting on large plots with space around each dwelling. As noted by the Inspector that determined a previous appeal for 32 and 34 Woodham Road to which my attention has been drawn[1], whilst there is variation in age, size, design and plot size in the area, the predominant pattern of development is of dwellings with wide front elevations facing the road. A notable exception to this pattern is the recently constructed replacement dwelling at 34 Woodham Road, which sits on a narrower plot and is deeper than it is wide. The trees in the area and hedges on the frontages and between the plots add significantly to the character of the locality.

4. The previous appeal related to the demolition of both Nos. 32 and 34 and the erection of two detached dwellings and a pair of semi-detached dwellings. The appeal was dismissed principally on the basis of the effect of the proposed development on the character and appearance of the area. The Inspector noted that the proposal would result in plot widths which would be notably

[1] APP/A3655/A/13/2202255

smaller than those generally found in the vicinity, which vary from around 14 m to 22 m. In addition, the Inspector found that the proposed four separate vehicular crossovers would result in the loss of existing boundary planting and in a large area devoted to hardstanding, leaving only relatively limited space for landscaping.

5. The proposal before me differs from that in the previous appeal in that it involves the demolition of only No. 32 and the erection of 2 detached dwellings. Furthermore, the context has changed with the erection of the replacement dwelling at No. 34. Accordingly, the proposed plots are wider than previously proposed at approximately 14.5 m and the proposal would result in only one additional vehicular crossover, allowing more room for the retention of frontage vegetation.

6. However, the proposed plot widths would be at the lower end of the range of plot widths in the locality as noted by the previous Inspector and slightly narrower than that of the plot for No. 34, which has been reduced from its original width as part of the development of the replacement dwelling. Whilst there are narrower plots in the wider area, the majority of the plot widths in the immediate vicinity of No. 32, within the context of which the development would be seen, are substantially larger than 14 m. No. 36 is approximately 19 m in width and the other plots beyond, to the other side of No. 32 and opposite are approximately 20 m or more. Whilst the plot widths of the proposed dwellings would reflect that of No. 34, the proposal would thus result in a row of three dwellings each with a plot width substantially smaller than, and therefore at odds with, plot widths prevailing in the immediate area.

7. Furthermore, the proposal would result in two substantial properties close to their common boundary and their boundaries with neighbouring properties. Other dwellings in the area are close to their boundaries, including 28 and 30 Woodham Road. However, the shallow depth of these other properties relative to that of the proposed dwellings allows a more spacious feel than would be achieved with the proposed development. Also, both Nos. 28 and 30 have catslide roofs to three of their four side elevations, with the first floor set back from the boundaries, thus maintaining the sense of spaciousness. In contrast, notwithstanding that the scale and mass of the proposed dwellings would match that of the replacement dwelling at No. 34, the proposed development would appear cramped due to the extent of full 2-storey flank elevations in close proximity to the side boundaries.

8. Accordingly, although I accept that the proposed development would allow the greater retention of frontage vegetation than the previous appeal proposal, the proposed development would be out of keeping with the characteristic pattern of development in the vicinity and detrimental to the character and appearance of the area.

9. The application site is covered by an Area Tree Preservation Order (TPO), which includes a tree approximately in the centre to the rear of the appeal site. This tree is a substantial and attractive specimen and contributes positively to the character and appearance of the area.

10. The rear elevation of the proposed dwelling on Plot 1 would be approximately 10.5 m from the trunk of the tree and the patios of both Plots 1 and 2 would be closer. Although a condition could be attached to a permission protecting the tree during construction, no professional arboricultural survey has been

submitted with the application or the appeal to demonstrate that the development could take place without harming the tree and therefore that such a condition would be effective.

11. Furthermore, the tree canopy would extend over a significant proportion of the rear gardens of both plots. This, together with its height, proximity to the rear elevations of the proposed dwellings and position to the south of the dwellings would be likely to lead to pressure for the tree to be lopped, topped or felled to reduce shading to the dwellings and / or gardens. Such actions would reduce the contribution of the tree to the visual amenity of the area. However, as the tree is protected by a TPO, the consent of the Council would be needed for any works to the tree for this reason and so I accord moderate weight to this pressure as a threat to the future of the tree.

12. I conclude that the proposed development would conflict with Policies CS21 and CS24 of Woking Core Strategy 2012 (the Core Strategy). Amongst other things, these require development to make a positive contribution to the street scene and the character of the area and require the retention and protection of any trees of amenity value.

13. It would also be contrary to Policies DM2 and DM10 of the Development Management Policies DPD (2016) (DMDPD). Policy DM2 requires, amongst other things, new development to retain existing trees where practical to do so. Policy DM10 relates to development on garden land and requires such development, amongst other things, to not involve the inappropriate sub-division of existing curtilages to a size substantially below that prevailing in the area and not to result in harm to the character and appearance of the area. The development would also conflict with the principles of the Woking Design Supplementary Planning Document and paragraphs 124, 127 c) and 130 of the National Planning Policy Framework (the Framework), which relate to design and local character.

The integrity of the Thames Basin Heaths SPA

14. The appeal site lies in the Outer Exclusion Zone - Zone B ie between 400 m and 5 km of the Thames Basin Heaths SPA (TBH SPA) as indicated in the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 (the Avoidance Strategy). The TBH SPA is designated for its internationally important habitat which supports breeding populations of three rare bird species; Nightjars, Woodlarks and Dartford Warblers. Natural England has identified that net additional housing development up to 5 km from the SPA is likely to have a significant effect (either alone or in combination with other developments) on these protected species. This is due, in particular, to the impact of recreational use on the important populations of these rare bird species.

15. Policy NRM6 of the South East Plan requires that new residential development which is likely to have a significant effect on the ecological integrity of the TBH SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CS8 of the Core Strategy essentially requires the same and sets out the means of achieving this. The policy establishes the criteria for new residential development to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and

Monitoring (SAMM) as mitigation measures in accordance with the Avoidance Strategy.

16. The SANG would be provided through the Community Infrastructure Levy but a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) is required to secure the provision of the SAMM. The Planning Officer's Report refers to an Appropriate Assessment having been undertaken for the proposed development which concludes that there would be no adverse impact on the integrity of the TBH SPA providing the SAMM financial contribution is secured through a S106 legal agreement.

17. However, no planning obligation or other mitigation measures have been provided with the application or the appeal. Although the Council may not have raised this matter during the determination of the application, the need and mechanism for this mitigation is clearly set out in Policy CS8 of the Core Strategy and the Avoidance Strategy. Furthermore, the appellant had an opportunity to submit a planning obligation with or following the lodging of the appeal. I note the willingness of the appellant to enter into an agreement but this does not weigh in favour of the proposal in the absence of any formal mechanism before me to address this matter.

18. In the absence of any formal mechanism before me to mitigate harm, I therefore conclude that the proposal would have adverse effects on the TBH SPA and would conflict with the Conservation of Habitats and Species Regulations 2017 (as amended), saved Policy NRM6 of the South East Plan 2009, Policy CS8 of the Core Strategy and the Avoidance Strategy.

Other Matters

19. I note that objections to the proposed development were submitted by the occupiers of two nearby dwellings on a number of grounds. Having regard to the relationship of the proposed dwellings to neighbouring dwellings I am satisfied that there would be no unacceptable impact from the proposed development on the living conditions of the occupiers of neighbouring properties through noise, overlooking or overshadowing. This conclusion is shared by the Council.

20. I note that no objections were raised by the Highway Authority or the Council's Drainage and Flood Risk Team on parking or drainage matters. I am not persuaded to disagree with their professional opinions. The site is not within the Metropolitan Green Belt. These representations have therefore not had a significant bearing on my decision.

Conclusion

21. For the reasons given above, and having had regard to the other matters raised, the appeal is dismissed.

Martin Small

INSPECTOR