
Appeal Decision

Site visit made on 3 February 2020 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Chris Hoults BA(Hons) BPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/A3655/D/19/3239280

1 Foxlake Road, Byfleet, West Byfleet KT14 7PW

- 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 Matthew Collins against the decision of Woking Borough Council.
 - The application Ref PLAN/2019/0696, dated 8 July 2019, was refused by notice dated 6 September 2019.
 - The development proposed is construction of a side outbuilding following the demolition of the existing garage.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues in the appeal are:
 - The effect of the development on the character and appearance of the host dwelling and the area;
 - Whether the proposed development has been designed as ancillary accommodation; and
 - The effect of the development on flood risk.

Reasons for the Recommendation

Character and Appearance

4. The appeal property accommodates a detached bungalow located on the corner of Foxlake Road and Binfield Road. The site's corner position and low boundary wall renders it visually prominent in both the Foxlake Road and Binfield Road street scenes. It features a large paved driveway and a modest, detached single storey garage that would be demolished as part of the proposals. The area is residential in nature. The properties on Foxlake Road have a similar character and appearance to the appeal property while Binfield Road features mainly semi-detached two storey dwellings.

5. The appellant asserts that the proposed outbuilding would follow the same building line as the existing garage, although it appears to me that the plans show that it would be slightly forward of this line. Nevertheless, I agree with the appellant that there is no clear building line amongst the properties in the area and I acknowledge that the outbuilding would be positioned behind the building line of the neighbouring property (No 51 Binfield Road) and angled to align with it and the boundary of the site. However, it is set forward of the host dwelling and given the highly visible corner position of the property this forward siting combined with the bulk and width of the proposal would result in the outbuilding appearing dominant in the street scene and out of keeping in terms of scale with the existing dwelling.
6. Although the outbuilding would be a lower height compared to the existing dwelling this would be insufficient to alleviate its imposing and disproportionate appearance. The angle of the outbuilding would result in its front elevation and that of the host property facing different directions which would create an awkward visual relationship between the two buildings, the outbuilding reading more as a separate dwelling associated with the line of dwellings along Binfield Road. The use of matching gables and materials would not address these fundamental issues of scale and positioning.
7. My attention has been drawn to examples of outbuildings that have been approved in Woking Borough. Whilst there are some similarities to the proposal, all the examples relate to proposals in the rear gardens of the properties and are therefore not comparable to the proposed development. In addition, the appellant states that the examples are not in keeping with the host dwellings and as such serve to confirm that such outbuildings can be detrimental to the character and appearance of an area and do not set a desirable precedent.
8. On the basis of the above, I conclude that the proposed outbuilding would cause unacceptable harm to the character and appearance of the host dwelling and the surrounding area. As such, it would conflict with Policy CS21 of the Woking Local Development Document Woking Core Strategy October 2012 ('the Core Strategy') and the National Planning Policy Framework ('the Framework'). These seek, amongst other things, to ensure that proposals for new development respect and make a positive contribution to the street scene and the character of the area, paying due regard to scale, proportions and building lines. The outbuilding is also contrary to guidance in the Woking Design Supplementary Planning Document (February 2015) which states that extensions should not result in unbalanced or disproportionate frontages.

Whether Ancillary Accommodation

9. Given the nature of the accommodation to be provided, its physical separation from the dwelling and the size of the accommodation in relation to the main dwelling the Council considers the proposal would be tantamount to the provision of a separate dwelling.
10. Policy DM9 of the Core Strategy states, amongst other things, that ancillary residential extensions will be permitted provided that they share a common access with the main dwelling and are physically incorporated within it, and are designed in such a way that renders them incapable of being occupied separately from the main dwelling. It also states that proposals which have been demonstrated to be genuine freestanding ancillary units will be

considered in light of the character and amenities of the area and may be subject to conditions restricting their occupancy.

11. There is no physical link between the outbuilding and the dwelling and I do not agree with the appellant that the access to the rear garden and front of the property from the outbuilding constitutes a link. Whilst the appellant has stated that the proposal is for an annex and suggests it may be occupied by an elderly relative, no evidence has been provided regarding the identity of the person, what the living arrangements would be or how occupancy of the accommodation would relate to that of the main dwelling.
12. The outbuilding would contain a separate shower room, toilet facilities and bedroom and whilst the appellant states that the future occupiers would share some of the facilities with the host dwelling, including a kitchen, it is my view that the unit would be capable of independent occupation relying, for example, on portable cooking equipment. On this basis I am not satisfied that the outbuilding has been demonstrated to be a genuine freestanding ancillary unit to the main dwelling, as Policy DM9 requires. As it would not be incorporated within the main dwelling nor does its design render it incapable of independent occupation, it fails the tests of this policy as regards acceptable ancillary accommodation, irrespective of whether a condition could be imposed to require that it be occupied as such.
13. The scale, design and positioning of the building gives the appearance of a separate dwelling and I agree with the Council that the size of the outbuilding is not subservient to the main dwelling. I also agree with the Council that the proposal would not be acceptable as a separate dwelling given its overall size and harm that has been found to the character and appearance of the area.
14. In the light of the above, I conclude that the proposed development is contrary to Policy DM9 of the Core Strategy in so far as it has not been designed as acceptable ancillary accommodation to the main dwelling.

Flood Risk

15. The appeal site is located within Flood Zones 2 and 3 (medium and high probability of flooding). The Framework requires that a flood risk assessment is carried out for this type of development if it is located within Flood Zone 2 or 3. No flood risk assessment has been provided and on this basis it has not been demonstrated that the proposal would not increase the risk of flooding or be vulnerable to flooding. The appellant's contention, that the Council has not deemed the initial application valid in the absence of an assessment, cannot mitigate the failure to provide one.
16. As well as conflicting with the provisions of the Framework, the development would conflict with Policy CS9 of the Core Strategy which states that applications within Flood Zone 2 will only be considered if it can be demonstrated that there are no suitable alternative areas at lower risk. It also states that development in Flood Zone 3a and 3b will be required to be accompanied by a comprehensive Flood Risk Assessment to demonstrate that the development will not increase flood risk elsewhere or exacerbate the existing situation. The appellant has plainly failed to address these requirements and this would have merited dismissal of the appeal irrespective of my conclusions on the other two main issues.

Other Matters

17. The appellant's personal reasons for wishing to construct the outbuilding and remove the existing aging garage are understood, but little weight can be attached to these matters. The appellants assertion that there is little room to construct a rear outbuilding does not make the siting to the side of the dwelling acceptable.

Conclusion and Recommendation

18. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

C M Hoult

INSPECTOR