



Appeal Decisions

Hearing Held on 12 November 2019

Site visit made on 12 November 2019

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2020

Appeal A: APP/A3655/W/18/3218094

Woodlands, Sheerwater Road, West Byfleet, Surrey KT14 6AH

- 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 Pasqualino Guarino of P M Homes Ltd. against the decision of Woking Borough Council.
 - The application Ref PLAN/2018/0378, dated 27 March 2018, was refused by notice dated 18 October 2018.
 - The development proposed is demolition of existing dwelling and erection of 10 dwellings with associated access.
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Appeal B: APP/A3655/W/19/3222813

Woodlands, Sheerwater Road, West Byfleet, Surrey KT14 6AH

- 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 Pasqualino Guarino of P M Homes Ltd. against the decision of Woking Borough Council.
 - The application Ref PLAN/2018/1193, dated 29 October 2018, was refused by notice dated 10 January 2019.
 - The development proposed is demolition of existing dwelling and erection of 9 dwellings with associated access.
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Procedural Matters

2. For ease of reference I refer to the different cases as Appeals A and B in this decision letter as set out in the above headers. I have dealt with each appeal on its individual merits but to avoid duplication have considered the proposals together in this document. Although there are two appeals, I have used singular terms in places for ease of reading.
3. The descriptions of development for the appeals are taken from the respective original application forms. Notwithstanding those descriptions, in more detail I note that the proposals respectively relate to, for Appeal A, nine 2-bedroom flats (including one in a separate building above car ports) and one 1-bedroom flat; and for Appeal B, eight 2-bedroom flats and one 1-bedroom flat; with both including a detached cycle store building and car parking area.

4. The Appeal B proposal differs from that of Appeal A in various ways including, as well as the reduction in the number of units by one, the removal of the separate unit with parking beneath; a small overall reduction in the roof height together with simplified roof structure; siting the building slightly further back from the Woodlands Avenue boundary; and an increased number of parking spaces.
5. At the appeal stage, in relation to Appeal B, the appellant submitted amended plans further simplifying the main roof form of the section fronting onto Woodlands Avenue by dropping part of the ridgeline down to remove its previously staggered design. The changes represent a noticeable alteration to the proposed design of the building. Those attending the Hearing had the opportunity to look at the plans and make comment. However, I am not aware that all interested parties have been consulted on these amended plans and had the opportunity to comment on them, and I cannot be certain that they would necessarily have been aware of them. For these reasons, despite representing a reduction in the ridge height and therefore the massing of the building, as interested parties could be prejudiced, I have not taken account of those amended plans submitted at the appeal stage relating to further simplifying the main roof form of the Appeal B proposal.
6. In relation to Appeal A an amended layout plan, Dwg No P1475.PL.01 Rev A, was submitted with the appeal showing one extra parking space to that on the plan considered by the Council when making its decision. That amendment represents a material change to the proposals, not only in terms of the number of parking spaces, and therefore number of vehicles potentially using the site adjacent to an existing dwelling, but also by taking the parking area closer to existing adjacent mature trees.
7. Although the Appellant claims that the actual additional space itself would not be within the root protection area (RPA) of the trees concerned, the hard surface area to the side of that space would be. I acknowledge that other proposed parking spaces, which have been considered by the Council, are shown within the RPAs of trees and that the additional hard area could be constructed with the same proposed tree protection measures and with specialist surfacing. Nevertheless, account for this has not been included in the arboricultural submissions.
8. Importantly, I have the same concerns as referred to above in respect of the Appeal B amended plans, in terms of the potential for interested parties to be prejudiced without formal consultation and opportunity to comment. I have therefore not taken account of the amended plan Dwg No P1475.PL.01 Rev A in reaching my decision.
9. At the Hearing it was agreed by the Council that the submitted Planning Layout & Location Plan, Dwg No P1475.PL.01 Rev B, relating to Appeal B, despite being recorded as Rev A on the Council's decision notice, was submitted at the application stage and would have been taken into consideration in making its decision. I have therefore taken account of that plan as no parties would be prejudiced.
10. With regard to the proposed provision for car parking, the Council's concerns on this issue for Appeal A relate to the availability of on-street parking and the free flow of traffic. However, local residents have also raised concerns, amongst other things, about the effect of the provision for car parking on

highway and pedestrian safety, which the Appellant has had the opportunity to comment on and so would not be prejudiced. It is therefore appropriate to consider this matter as part of the relevant main issue referred to below.

Main Issues

11. The main issues are:

For Appeals A and B:

- i) Whether the proposed development would preserve or enhance the character or appearance of the Basingstoke Canal Conservation Area (CA), the setting of the CA and of the Old Avenue Conservation Area (the Old Avenue CA), and the effect on the character and appearance of the site and surrounding area generally.

For Appeal A only:

- ii) The effect of the proposed development on the free flow of traffic, the availability of on-street car parking, and highway and pedestrian safety in the locality, having particular regard to the provision for on-site parking.

Reasons

CA setting, character and appearance

- 12. The site is located on a prominent corner plot at the junction between Woodlands Avenue and Sheerwater Road and partly within the CA. The site slopes down from road level from south-east to north-west. The CA relates to the canal which has a distinctly and pleasant verdant tree lined character. With only a modest sized bungalow currently occupying the site, the plot has an open and spacious nature which, along with neighbouring rear gardens of other Woodlands Avenue properties on that side of the road, provides a characteristically open setting to the CA. That existing nature to site also enables the verdant tree dominated CA to be clearly appreciated from the adjacent roads. It is seen particularly clearly as such on the approach to the site along Sheerwater Road from the south, but also from the western end of Woodlands Avenue, and glimpsed through the boundary trees from alongside the site on Sheerwater Road and from Albert Drive opposite.
- 13. There are the small differences between the two appeal proposals as referred to above, relating to the height and position of the main building. However, in both cases that main building would be clearly seen from the road as a largely 3-storey building. The significant south-eastern end of the building, due to its height, scale, general massing effect, position on the higher part of the site and with the tallest section very close to the site boundary, would be a particularly prominent feature of that corner plot location. This would be despite the slab level of that south-eastern end being set down slightly from road level, and albeit with a large proportion of that more prominent part of the building having its third storey partially within the roofspace.
- 14. Due to the above factors relating to its prominence, in the context of the plot's current open and spacious nature, the openness of the CA's setting, and the verdant character of the CA, that main building relating to both appeals would be a jarring and dominating built form. As a result, although the proposed

development would be well screened from the footpath alongside the canal within the CA, as seen from the above vantage points on adjacent roads, the setting of the CA would be harmfully compromised. Furthermore, due to those same factors, when compared with other existing development in the immediate vicinity, it would be an uncharacteristically dominant feature within the Sheerwater Road streetscene.

15. I have had regard to the presence of other large developments comprising flats and other buildings with large footprints along Sheerwater Road, and associated planning decisions. However, those developments are generally set well back from the road and often well screened or softened by intervening roadside trees and other vegetation and not dominant features of the streetscene. Those at either end of Sheerwater Road are also noticeably separated from the appeal site and not seen within the same immediate context as the site and CA. There are also other dwellings close to Sheerwater Road, but which are generally of more modest scale than that proposed.
16. The two-storey building incorporating the separate unit relating to Appeal A would be immediately adjacent to the CA and its associated trees. It would not be as prominent as the main building as seen from public vantage points, due to its lesser height and position on ground below road level. Nevertheless, it would be likely to be clearly seen or at least glimpsed to varying degrees through trees along the Sheerwater Road frontage. Importantly it would stand out as an uncharacteristically large structure close to the CA in an existing context of rear gardens containing, at most, modest garden structures such as sheds.
17. The proposals would result in the removal of existing structures on the site. However, they are modest sized and single storey height or less, and not dominating features. As such any benefit of removing them would not be significant. Furthermore, whilst any proposed new tree and shrub planting would add to the verdant nature of the site, I have insufficient basis to find that it would be likely to significantly screen or soften the proposed development or mitigate the harmful factors referred to above. In any case, the long-term survival or maintenance of such planting could not be guaranteed.
18. The proposed development would be separated from the Old Avenue CA by Sheerwater Road. It would also be slightly further to the north-west along that road from the Old Avenue CA. There is also significant intervening vegetation alongside Sheerwater Road on the opposite side from the site close to Old Avenue. These factors would combine to ensure that the integrity of the Old Avenue CA would be maintained with the presence of the proposed development. Equally though, for the same reasons, together with the generally well screened nature of the properties in the Old Avenue CA, those houses do not provide a clear context in terms of their size for the proposed development.
19. The site is located at the western end of the Hollies and Woodlands Avenue Housing Character Zone (the HWAHCZ) as defined within the West Byfleet Neighbourhood Development Plan (NDP). The HWAHCZ comprises a mixture of two storey houses and bungalows set back from the road. The main building in both appeal proposals would be substantially larger and also taller than others in the street, albeit that those nearest to the site on Woodlands Avenue are two storey height and notwithstanding those opposite being on higher ground.

20. However, there would be a greater separation between the proposed building and the adjacent No 132 Woodlands Avenue than the generally closer relationship between the existing dwellings in the street. Together with the height progression of the proposed building away from No 132, the highest part being set well away from that property, the increase in height from that of No 132 would not be stark or jarring, particularly given the location at the periphery of the HWAHCZ. The proposed development would also complement those existing houses in Woodlands Avenue in terms of use of materials and degree of set back from the road. It would therefore not be a dominating feature of the HWAHCZ in itself. However, neither would any of these factors cause it to be an enhancing feature of that Character Zone to weigh against the harm that I have identified would be caused to the setting of the CA and to the Sheerwater Road streetscene. This is despite the proposed replacement of the existing uncharacteristically angled and designed bungalow on the site, relative to other neighbouring properties in Woodlands Avenue, particularly due to the modest height and scale and resultant limited degree of prominence of that current building.
21. The proposed car parking area would introduce a large area of hard surfacing in close proximity to the CA, albeit less so with the Appeal A scheme. Notwithstanding my concerns relating to the proposed separate two storey unit in the Appeal A scheme, the external parking areas in themselves for each appeal, even with cars parked on them, would not significantly affect the openness of that part of the site. Being at ground level and below that of the surrounding roads, they would also not be clearly seen from those roads, albeit potentially glimpsed through the trees from at least the footway to the side of the site on Sheerwater Road. Furthermore, the proposed cycle stores for each appeal would be located such that they would slightly overlap into the CA. However, their modest height and footprint would again be unlikely to be so prominent as to harm the integrity of the CA, its setting or the character and appearance of the surrounding area. These findings concerning the proposed car park and cycle store for each appeal do not however deflect from the harm that I have found would be caused to the setting of the CA and to the Sheerwater Road streetscene in respect of the other proposed buildings.
22. For the above reasons, I conclude on this issue that the proposed Appeal A and B developments would fail to preserve the setting of CA and would cause unacceptable harm to the character and appearance of the site and surrounding area generally. As such, they would be contrary to policies CS20, CS21, CS24 of the Woking Core Strategy (the Core Strategy), policy DM20 of the Woking Development Management Policies Development Plan Document (the DMP), policy BE2 of the NDP, as well as with the Woking Design Supplementary Planning Document which together, amongst other things, require new development to respect and enhance the character and appearance of the area in which it is proposed whilst making the best use of the land available; to make a positive contribution to the character, distinctiveness and significance of the historic environment; to ensure that heritage assets are protected and enhanced in accordance with the National Planning Policy Framework (the Framework); to respect and make a positive contribution to the street scene and the character of the area; and to preserve and/or enhance heritage assets and/or their settings.

Parking in respect of Appeal A

23. The residential parking standards set out in policy BE6 of the NDP pre-date the Woking Borough Council Parking Standards Supplement Planning Document (WBC parking standards). Nevertheless, the latter relate to the borough as a whole and do not negate the relevance of those in the NDP which relate to the specific circumstances of West Byfleet.
24. I note that there is limited scope for on-street parking close to the site, and that the spaces available on Woodlands Avenue also have restrictions in place. Vehicles parked in the on-street spaces in Woodlands Avenue cause a narrowing effect of the carriageway to single flow at those points.
25. Any additional demand for on-street parking as a result of the proposed development would therefore have the potential to cause parking in inappropriate places if existing spaces were to be unavailable. This in turn could cause hazardous obstructions and the potential for unexpected vehicle movements in close vicinity to the road junction with Sheerwater Road. Such circumstances could not only cause a restriction to the free flow of traffic but also result in collisions between vehicles or with pedestrians.
26. In this case, the proposed development would include provision for 15 off-street parking spaces, relating to nine 2-bedroom flats and one 1-bedroom flat. The NDP minimum parking standards specify 1 car space for each 1-bedroom property and 2 spaces for 2-bedroom properties. There would therefore be a shortfall of 4 spaces against those standards. This compares with the WBC parking standards which would require 0.5 spaces for the 1-bedroom flat and 1 space for each of the 2-bedroom units, a total of 9.5 spaces. Even with the 10% additional provision for visitor parking set out in those standards, the proposed level of parking would still clearly exceed the minimum WBC parking standards.
27. The Appellant has not justified, through a Transport Assessment, the proposed lower level of parking compared to the minimum NDP standards. Nevertheless, there is a cycle route which passes immediately in front of the site on Sheerwater Road linking to Albert Drive to the west, and the proposed development would make provision for cycle parking which could be secured by condition. There is also a bus stop located within a short walking distance of the site on Albert Drive, albeit that I do not have details of the frequency of buses.
28. I therefore consider that prospective residents would have some degree of choice to use alternative modes of travel to the car for reaching facilities and services to serve their everyday needs such as shops, schools, leisure and health facilities, as well as employment destinations, including in West Byfleet and Woking, both of which also have rail stations for reaching destinations further afield. As such, the proposed development would not be at odds with the principles of the NDP which, in policy BE6, also makes provision for the accessibility of the residential development or the availability of public transport.
29. In achieving the proposed level of parking that would be between those levels set out in the standards within the NDP and the WBC respectively, given the factors referred to above, it is unlikely that the proposed development would

significantly add to the demand for on-street parking or cause inappropriate or hazardous on-street parking.

30. For the above reasons, the proposed Appeal A development would be unlikely to unacceptably disrupt the free flow of traffic or reduce the availability of on-street car parking, or to pose a risk to highway and pedestrian safety in the locality, having particular regard to the provision for on-site parking. As such, in respect of this issue, it would not be at odds with policy BE6 of the NDP.

Other matters

31. In relation to Appeal A, the Council's decision notice includes a reason for refusal relating to an absence of appropriate surface water drainage information. Since that decision, updated drainage details were provided in support of the planning application relating to Appeal B which the Council has confirmed addresses the above concerns, subject to securing such drainage by a condition. I have no substantive basis to consider differently.
32. I have also had regard to another of the Council's reasons for refusal in both cases, concerning the effect of the proposed development on the Thames Basin Heaths Special Protection Area (SPA) and securing contributions towards avoidance measures. I note that the Appellant has submitted planning obligations contained within Unilateral Undertakings (UUs) to make provision for such contributions. Notwithstanding this, an Appropriate Assessment (AA) under the Habitats Regulations would ordinarily be necessary to be undertaken in relation to the impact of the proposed developments on the SPA. I have not needed to undertake such an AA in this case as I am dismissing the appeals for other reasons. Furthermore, such contributions would be for mitigation purposes and so would not represent a benefit of the proposed developments to be weighed in the planning balance.
33. A further reason for the Council's refusal of the proposed Appeal A development concerned the failure to secure necessary development plan compliant provision for affordable housing, due to the proposed 10 units triggering the need for such a contribution. The Appellant has submitted a planning obligation within a UU to make an appropriate contribution, and the Council has confirmed that it would address the reason for refusal. I have no substantive basis to consider differently. I will consider the provision for affordable housing further in the planning balance.

Planning balance

34. I have found in respect of both Appeal A and B, that the proposed development in each case would fail to preserve the setting of CA and would cause unacceptable harm to the character and appearance of the site and surrounding area generally. In the case of Appeal A, that it would be unlikely to unacceptably disrupt the free flow of traffic or reduce the availability of on-street car parking, or to pose a risk to highway and pedestrian safety in the locality, having particular regard to the provision for on-site parking, does not deflect from or influence my finding in respect of the first main issue.
35. In respect of the CA, I have had regard to paragraph 193 of the Framework in terms of giving great weight to its conservation, which is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In this case, the harm that I have

- found would be caused to the significance of the CA would be less than substantial due to the relatively small scale of the proposed developments. As such, under paragraph 196 of the Framework, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
36. I have also had regard to the Framework which highlights in paragraph 59, amongst other things, that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed. Furthermore, I have had regard to paragraph 117 of the Framework which amongst other things states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
37. The proposed developments would have the benefit of adding to the local supply of housing, albeit not in the context of the Council being unable to demonstrate a five-year supply of deliverable housing sites. The proposed Appeal A development would have the added benefit of contributing to the provision of needed affordable housing. There would also be likely economic benefits during the construction phase in terms of the provision of construction jobs, and then once occupied in respect of the support prospective residents would be likely to give to local facilities and services. However, it is likely that the above benefits would be fairly small, relating to only 9 or 10 new dwellings respectively.
38. I also have insufficient basis to find that any proposed ecological enhancements, including additional habitat created with tree and shrub planting, and the installation of bird and bat boxes, would be to such an extent as to represent an over-riding benefit. Furthermore, the payment of Community Infrastructure Levy contributions would be a requirement, in the event that the appeal were to be allowed, to mitigate the impact of the developments on local infrastructure rather than a benefit.
39. The Appellant agreed at the Hearing that, despite claims to the contrary in the original appeal submissions, the tilted balance relating to paragraph 11(d) of the Framework is not applicable in this case. Based on the evidence presented to me, I have no substantive basis to consider differently and so have not applied the tilted balance.
40. For the above reasons, the benefits of the proposed Appeal A and B developments would be insufficient to outweigh the less than substantial harm that would be caused to the significance of the CA and the unacceptable harm that would be caused to the character and appearance of the site and surrounding area generally.

Conclusion

41. For the above reasons, and having taken account of all other matters raised, both Appeal A and Appeal B should be dismissed.

Andrew Dawe

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Chris White	WYG
Oliver Lawrence	Barrister No5 Chambers
Pasqualino Guarino	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

David Raper	Senior Planning Officer
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INTERESTED PERSONS:

Joanne Mackowski	On behalf of local residents
Malcolm Chapman	On behalf of a local resident
Mrs M Mackowski	Local resident

DOCUMENTS SUBMITTED AT THE HEARING:

1. Woking Borough Council Parking Standards Supplement Planning Document April 2018.
2. Dwg No P1475.PL.18 Roof Heights Plan.
3. Policies CS7 (Biodiversity and nature conservation) and CS22 (Sustainable construction) of the Core Strategy.
4. Appellant's written agreement to suggested pre-commencement conditions were I to allow the appeal.
5. Signed and dated Unilateral Undertakings.