



Appeal Decision

Site visit made on 7 January 2020 by Alex O'Doherty LLB(Hons) MSc

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/A3655/D/19/3237614

Squirrels Oak, 80 Lower Guildford Road, Knaphill, Woking GU21 2EW

- 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 & Mrs Paul and Debbie Abraham against the decision of Woking Borough Council.
 - The application Ref PLAN/2019/0455, dated 8 May 2019, was refused by notice dated 5 July 2019.
 - The development proposed was originally described as, "A New application that alters a previously consented scheme (PLAN 2019/0147) - The alterations are to the single story flat roof extension to the side of the property. The application increases the foot print and alters the access provision."
-

Decision

1. The appeal is allowed and planning permission is granted for proposed side dormer, single storey side and rear extensions and conversion of garage into habitable accommodation for use as an annex at Squirrels Oak, 80 Lower Guildford Road, Knaphill, Woking GU21 2EW in accordance with the application, Ref PLAN/2019/0455, dated 8 May 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2470A.P.10000, 2470A.P.2001 Rev 0, 2470A.P.1002, 2470A.P.1003 Rev 0.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 80 Lower Guildford Road, Knaphill, Woking.

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.

Procedural Matters

3. The appeal Questionnaire completed by the Council contained the following text: "Addendum: It has been noted that an administrative error had occurred

between the Planning Officer's delegated report and the Decision Notice issued on 05.07.19. Reason 1 on the Decision Notice does not reflect Reason 1 in the Officer's delegated report. It should be noted that the reason in the officer's report is the correct reason and this is reflective of the Planning Officer's report." The appellants were provided with a copy of the Officer's Report at application stage, and therefore had an opportunity to respond to all the Council's concerns via their Grounds of Appeal. Therefore, the reason for refusal as given in the Officer's Report has been considered in this appeal.

4. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises a proposed side dormer, single storey side and rear extensions and conversion of garage into habitable accommodation for use as an annex. The Council dealt with the proposal on this basis and so shall I.

Main Issues

5. The main issues are:

- whether the proposal would comply with planning policies relating to ancillary accommodation;
- the effect of the proposal on the character and appearance of the surrounding area;
- whether the proposal makes adequate provision for car parking; and
- whether the proposal makes adequate provision for any impact upon the Thames Basin Heaths Special Protection Area (SPA).

Reasons for the Recommendation

Ancillary accommodation

6. Policy DM9 of the Development Management Policies Development Plan Document (adopted October 2016) ('DPD') provides that ancillary residential extensions will be permitted provided 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. The proposal would incorporate both an internal access and an entrance to the front elevation. The proposed arrangement of the rooms at the rear of the property, and the glazing to those rooms, would result in a degree of inter-overlooking which would prohibit each room being used independently. As currently designed, the proposal is incapable of being used as a separate independent dwelling, as it incorporates a shared common access.
7. Whilst the Council is concerned that this would result in a separate self-contained building, this is not what has been applied for. The appellants have made it clear that they do not wish to create an independent dwelling, but rather wish to provide ancillary accommodation for their elderly parents. The ancillary nature of the accommodation can be secured by condition. The option of enforcement action would potentially be available to the Council in the event of any breach of this condition.
8. Accordingly, I conclude that the proposal would comply with planning policies relating to ancillary accommodation. The proposal is in accordance with Policy

DM9 of the DPD, in relation to its requirements relating to ancillary accommodation.

Character and appearance

9. It is clear from the Council's Officer's Report that its objection relates to its contention that a grant of planning permission would result in a pair of semi-detached dwellings, which would be out-of-character with the surrounding area. However, as discussed above, the proposal would not result in a separate independent dwelling. As such, I conclude that the proposal would not harm the character and appearance of the surrounding area.
10. The proposal is in accordance with Policy CS21 of the Woking Core Strategy (adopted October 2012) ('Core Strategy') which aims to create buildings and places that respect and make a positive contribution to the street scene and the character of the area. The proposal is in accordance with paragraph 127 c) of the National Planning Policy Framework ('the Framework') which states that planning decisions should ensure that developments are sympathetic to local character and history. The proposal is also in accordance with the Woking Design Supplementary Planning Document (adopted February 2015), with regards to its guidance that every development should be underpinned by a clear understanding of the local context and character, issues and opportunities.

Car parking

11. The proposal would change the appeal property from a 3 bedroom dwelling, to a 4 bedroom dwelling. The Parking Standards Supplementary Planning Document (adopted April 2018) ('Parking Standards SPD') advises that 3 on-site vehicle parking spaces would be required, as a minimum. The Council considers that only 2 on-site parking spaces are available at the site. No measurements of the on-site parking area have been provided by either party. However, I observed on my site visit that it is likely that the car parking area could accommodate 3 parking spaces, at the required size specified in the Parking Standards SPD (2.4m by 4.8m (with parallel parking at 6.0m by 2.0m)).
12. Accordingly, I conclude that the proposal makes adequate provision for car parking. The proposal is in accordance with Policy CS18 of the Core Strategy which aims to develop a well-integrated community connected by a sustainable transport system, and with Policy CS21 of the Core Strategy which aims to encourage sustainable means of travel. The proposal is also in accordance with the guidance in the Parking Standards SPD in relation to the minimum on-site vehicle parking spaces required per dwelling.

Thames Basin Heaths SPA

13. The Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 ('SPA Avoidance Strategy') applies to proposals for 1 or more net new dwelling units falling within Use Class C3. As the appeal proposal relates to ancillary accommodation, and not to any new dwelling units, the requirements of the SPA Avoidance Strategy are not applicable.
14. Therefore, I conclude that provision is not required, in relation to any impacts upon the SPA. In addition to the SPA Avoidance Strategy, the Council has referred in its decision notice to Policy CS8 of the Core Strategy, saved Policy

NRM6 of The South East Plan (Regional Spatial Strategy for the South East of England) (May 2009), and Policy DM11 of the DPD. Given my finding that the proposal does not relate to new residential units, all of these policies, and the reference to The Conservation of Habitats and Species Regulations 2017 (as amended), are not relevant to my consideration of the proposal.

Conditions

15. The Council has suggested a number of conditions it would wish to see imposed in the event that the appeal is allowed. I have considered the conditions against the advice on conditions set out in the Framework and the Planning Practice Guidance.
16. A condition is necessary requiring that the development is undertaken in accordance with the approved plans to provide certainty. A condition is necessary controlling external materials to secure an acceptable appearance for the development. A condition is necessary requiring that the development shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling, to ensure that the property remains in single occupation and to protect the character of the area.
17. The Council has suggested a condition restricting permitted development rights to ensure that no door or other additional openings shall be formed, to ensure that the extension remains in ancillary use to the host dwelling. However, paragraph 53 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this case, the proposal would create a new front door, and it would not be practical to construct doors or other openings on the side of the property, given the location of the boundary fence. As such, the creation of new doors or other additional openings would not be likely to make the use of the annex as an independent dwelling more likely. It is for these reasons that this condition is not necessary and has not been imposed.

Conclusion and Recommendation

18. Based on the above, and having regard to all matters raised, I recommend that the appeal should be allowed.

Alex O'Doherty

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 allowed.

K Taylor

INSPECTOR