
Appeal Decision

Site visit made on 11 August 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2020

Appeal Ref: APP/D3640/W/20/3252149

35 Streets Heath, West End, Woking GU24 9QU

- 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 J and D Rogerson against the decision of Surrey Heath Borough Council.
 - The application Ref 19/2192/FFU, dated 19 November 2019, was refused by notice dated 31 January 2020.
 - The development proposed is erection of a single detached dwelling with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the decision on the appeal application, further information has been submitted in relation to the existing trees on the site. The Council have confirmed they have considered this additional information and concluded that, subject to conditions, they now have no objections on tree grounds. I am also satisfied that the additional information does now adequately deal with the matter. I have therefore dealt with the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether the proposal is inappropriate development within the Green Belt;
 - The effect of the proposed development upon the character and appearance of the area; and
 - The effect of the proposed development on the integrity of the Thames Basin Heath Special Protection Area (the SPA).

Reasons

Whether the proposal is inappropriate development

4. The appeal site is currently an area of undeveloped land, which is designated as Green Belt. It is proposed to erect a single detached dwelling with associated access, parking and landscaping.
5. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by

definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6. The Framework identifies that the construction of new buildings should be regarded as inappropriate development in the Green Belt, other than in respect of a limited range of specified exceptions. Paragraph 145(e) of the Framework identifies that one of the exceptions is limited infilling within villages.
7. There is disagreement between the parties as to whether the appeal site lies within the village of West End. On the Proposal Map, the appeal site lies outside of the defined settlement boundary of West End. Therefore, on the face of it, the scheme would be contrary to the Policies contained within the National Planning Policy Framework (the Framework). The appellant has however referred to the Court of Appeal Judgement in *Julian Wood v The Secretary of State for Communities and Local Government and Gravesham Borough Council* [2015] which determined that the 'village', for assessing limited infilling in villages, need not be the same as the settlement boundary.
8. Streets Heath comprises an unmade, narrow lane with no footways, which provides access to the properties that line its eastern side, before its eventual junction with the A319 to the north. The main development of the village lies to the south, beyond Streets Heath and Fairfield Lane, although there are a number of village recreation facilities to the north of Streets Heath, which introduce a level of activity and village life into the area, although these are separated from the appeal site by a large area of woodland.
9. The presence of larger areas of open space, wider views and the lower grain of development, gives the area around the appeal site a more rural character, as opposed to the more compact nature of development found to the south.
10. From the junction with Benner Lane and Streets Heath, there is a ribbon of relatively large detached properties, which extends northwards along the eastern side of the lane. These dwellings are generally set within relatively large plots, with vehicle access to the front, displaying similar design characteristics to the existing housing immediately to the south of the junction of Streets Heath, Fairfield Lane and Benner Lane. Whilst these properties are of a lower density than that found within the identified settlement, due to the nature of the design and position of the dwellings within the plots, there are limited views of the open countryside. The main visible open, undeveloped elements within the area being the playing fields and the woodland opposite the appeal site. Furthermore, built development extends up to and beyond the appeal site, with development becoming more sporadic at the junction of Streets Heath and the A319. Therefore, whilst the appeal site represents a break in the ribbon of development, the developed character extends further along Streets Heath, beyond the appeal site.
11. For the above reasons, notwithstanding the settlement boundary as shown on the Proposal Map, the area around the appeal site has a feeling of connectivity with the village. I therefore consider that the appeal site does form part of the village of West End.
12. This however does not necessarily mean that the proposal meets the exception criteria identified in paragraph 145 (e) of the Framework. There is still a requirement to identify whether the proposal would amount to limited infilling.

13. The Framework does not provide any definition of limited infilling and this is therefore a matter of planning judgement. In this regard, the supporting text to Policy CP3 of the Surrey Heath Core Strategy and Development Management Policies 2011-2028 (2012) (CS), paragraph 5.11 seeks to define infilling as, "the development of a small gap in an otherwise continuous frontage, or the small scale redevelopment of existing properties within such a frontage but not backland development". The glossary to the CS also provides a definition, identifying infill development as "development of a vacant site in a substantially developed frontage or area". Whilst this supporting text is not specifically related to the Green Belt, I find they provide useful guides.
14. In this instance, whilst the dwellings along the eastern side of Streets Heath are relatively spacious, the dwellings are all large, detached properties and appear as a continual line of development, which extends up to and beyond the appeal site. The proposed dwelling would be sited in the undeveloped gap between Nos 33 and 35. Both properties are detached dwellings, set back similar distances from the lane. The proposed dwelling would be positioned on the site so as to follow the general building line, established by the adjoining dwellings. Furthermore, the size of the site is broadly comparable to the plot size of surrounding dwellings. A development comprising of one house can be considered to be "limited" in scale.
15. Given the above, I conclude that the proposed development would constitute limited infilling in a village and would therefore not represent inappropriate development within the Green Belt by virtue of paragraph 145 of the Framework. Therefore, the proposal would not be in conflict with the Framework in this regard.
16. Reference has been made to a number of other appeal decisions within the locality, one in particular which is located on Fairfield Lane only a short distance away from the appeal site. Having reviewed these decisions, whilst they deal with similar issues, I consider that the sites in question display different characteristics from the appeal site and that my conclusion in relation to the Green Belt, is not inconsistent with the approach taken by the Inspector's in these cases. In any event, I am required to determine this appeal on its own merits.

Character and appearance

17. The existing buildings along Streets Heath are predominately detached dwellings and include a mix of two-storey and single storey dwellings. Buildings are of varied architectural styles. Plot sizes are generally similar, with buildings positioned towards the front of their respective plots. This introduces an element of uniformity to the overall character of the development along the lane. Boundaries tend to be well landscaped, which when combined with the heavily wooded area on the western side of the lane, gives the area a verdant and silvan feel. The properties immediately to either side of the appeal site are two storey dwellings with pitched roofs.
18. The proposed dwelling would be higher than either of the neighbouring dwellings and, due to its design, would have a larger expanse of roof, when compared with surrounding properties. This additional height, bulk and mass, when viewed within the context of the existing dwellings, would disrupt the existing pattern of development. It would introduce a form of development that would discordantly rise above the adjoining dwellings. As a result, the appeal

scheme would introduce a form of development that would appear out of scale with and harmful to the character and appearance of the surrounding area.

19. The proposed dwelling would be well related to surrounding properties and sufficient gaps are provided to retain a sense and feel of separation between the proposed dwelling and its neighbours. Sufficient space is also provided for access, car parking and landscaping. However, whilst these are benefits of the proposed development, they do not outweigh the harm that would be caused by the proposal as identified above.
20. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and, in this respect, is contrary to Policies CP2 and DM9 of the CS, Guideline 1 of the West End Design Statement 2016, Principles 7.3, 7.4, 7.5 and 7.8 of the Residential Design Guide Supplementary Planning Document 2017 and Paragraph 127 of the Framework. These Policies, amongst other things, seek to enhance the character of the local environment and be appropriate in scale, materials, massing, bulk and density.

The SPA

21. The SPA is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). The appeal site is not within the SPA, however given its proximity, the main parties agree that the proposed development would be likely to have significant effects on the features of interest of the SPA, due to the increased recreational use arising from the appeal development in combination with other development. I have found no reason to disagree. In these circumstances, the Habitats Regulations require that an Appropriate Assessment is carried out.
22. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the SPA. Due to the nature of the proposed development and the constraints of the appeal site, there appears to be no scope for the provision for on-site mitigation. To mitigate the impact of the scheme upon the SPA, the appellant has confirmed measures in the form of the provision of a financial contribution to the Thames Basin Heaths Strategic Access Management and Monitoring (SAMM) project.
23. The delivery of these mitigation measures requires the completion of a S106 Agreement. A completed Unilateral Undertaking has been provided to this effect and it accords with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework. Therefore, with such a mechanism in place I am satisfied that the scheme would deliver adequate measures to avoid or mitigate potential adverse effects on the integrity of the SPA.
24. For these reasons, the proposed development would not harm the integrity of the SPA and, in this respect is in accordance with Policy CP14B of the CS and Saved Policy NRM6 of the South East Plan and the Framework. These Policies, amongst other things seek to ensure development respects the integrity of the SPA and that appropriate mitigation measures are delivered.

Conclusion

25. I have found that the proposed development would not be inappropriate development within the Green Belt, by virtue of the exceptions identified in Paragraph 145 of the Framework and that, through the provision of appropriate mitigation, it will not significantly impact upon the integrity of the nearby SPA. I have however found that the proposed scheme would harm the character and appearance of the area. For the reasons given above, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR