

Appeal Decision

Site visit made on 7 October 2020

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2020

Appeal Ref: APP/A3655/W/20/3249620

Land south of Ivydene, Knaphill, Woking, GU21 2TA

- 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 R Hedges of Barnsmoor Estates Ltd against the decision of Woking Borough Council.
 - The application Ref PLAN/2019/1028, dated 14 October 2019, was refused by notice dated 27 February 2020.
 - The development proposed is the erection of a 1 ½ storey detached dwelling (4x bed) on land south of Ivydene and associated vehicular access, parking and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a 1 ½ storey detached dwelling (4x bed) on land south of Ivydene and associated vehicular access, parking and landscaping at land south of Ivydene, Knaphill, Woking, GU21 2TA in accordance with the terms of the application, Ref PLAN/2019/1028, dated 14 October 2019, subject to the conditions on the attached schedule.

Application for Costs

2. An application for costs has been made by the Appellant against Woking Borough Council. This application is the subject of a separate decision.

Preliminary Matter

3. I use the Council's description of development which is more reflective of the plans than the application form wording.

Main Issues

4. The main issue are the effect of the proposed development on:
 - the character and appearance of the locality; and
 - living conditions for local residents.

Reasons

5. The irregularly shaped appeal site comprises rear garden space behind houses which front converging Bagshot and Chobham Roads lying to the south of the cul-de-sac Ivydene along with open land abutting that road. It lies within a good quality area of residential character with a sense of spaciousness; the local scene is one of pleasing appearance. The proposal is as described above
-

and the planned dwelling would take its access off Ivydene via a driveway extending across a grassed area at the end of the cul de sac.

Character and appearance

6. The Council is concerned that chalet style dwelling through its form, appearance and external finishes would be harmfully at odds with the prevailing character or design of surrounding two storey dwellings.
7. Two storey homes are the local architectural idiom albeit their finishes, scale, roof forms and fenestration are far from regimented. The proposed building would be different but to my mind not jarringly so not least because it would not be in a run of other properties but rather in a somewhat uniquely positioned rear garden area. Provided in its own right it is of good design, which it is, I see no need for it to have to exactly conform to the prevailing house form or bulk found in the surrounds. Indeed there would be merit in this building being more low-key than those around in terms of outlook from nearby homes but importantly, under this appeal main issue, in order to maintain that sense of spaciousness and landscape predominance. Given the disposition of the plot, architectural form and the ability to sanction external finishes via a planning condition, the appeal dwelling would not be harmfully incongruous or visually discordant. I am of the opinion that the locality would positively absorb this proposal and there would not be aesthetic harm.
8. Policies CS21 and CS24 of the Woking Core Strategy (2012) seek, amongst other matters, to ensure that development would be of good design, be of suitable scale and materials, and respect and contribute positively to the landscape and townscape character of an area. I conclude that the proposal would not conflict with these policies. Similarly it would not run contrary to the relevant objectives of the Supplementary Planning Document 'Design' 2015 which in any event cannot be expected to cover in detail every eventuality.

Living conditions

9. The Council understandably wishes to prevent an unacceptable overbearing impact to neighbours and considers that the bulk, massing and proximity of the proposed dwelling would do just that.
10. One of the abutting properties, Chesley, is set back into its plot further than neighbours and along with a single storey rear extension this does lead to a relatively small rear garden. It is important that no building beyond this garden, or in relation to other homes locally, through a lack of distance or an excess of scale is allowed to be over-dominant otherwise residential amenity would be unacceptably lost. To my mind the appeal scheme is such that this would not be an issue. Flank walls are relatively modest in width and height, pitched roofs are set helpfully in terms of their height, scale and directions of slope, and distances off the proposed plot boundaries are reasonable. All-told the new chalet style home whilst being visible and leading to some change for part of the outlook for a number of neighbours would not be unduly overbearing. I am satisfied that the scheme would not unduly impinge upon living conditions for neighbours.
11. Policy CS21 of the Woking Core Strategy (2012) also seeks to protect residential amenity. This is mirrored in the Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008 (SPD). I conclude that the appeal scheme would not conflict with the development plan policy or be contrary to the objectives of the SPD.

Other matters

12. The Council's Decision Notice included a third reason for refusal of planning permission. This related to concerns over the Thames Basin Heath Special Protection Area. However the Council has subsequently confirmed that the Appellant has satisfactorily discharged an appropriate financial contribution towards the strategic access management and monitoring (SAMM) measures. The Council has consequently withdrawn this reason for refusal. In all the circumstances I am satisfied on both the specific and broader development plan policy context and I conclude that I need not consider the matter any further.
13. I have carefully considered the planning history of this site and the previous appeal decision (APP/A3655/W/19/3225036). The case before me is a different proposition from earlier schemes and I assess it on its own merits.
14. All relevant policies in the Framework have also been considered and the development plan policies which I cite mirror its relevant objectives.

Conditions

15. In addition to the standard commencement condition the Council suggests a condition requiring development to be in accordance with listed, approved, plans; I would agree, to provide certainty. External materials should be agreed in the interests of visual amenity. Specific windows as suggested need to be controlled to prevent overlooking. I would agree with the Council that given the unusual disposition of the appeal proposal it would be relevant to remove 'permitted development' in the interests of living conditions and visual amenity and I shall apply the two suggested conditions. I would agree that it is pertinent in the interests of visual amenity to require further satisfactory details and implementation of soft landscaping not least because in my opinion a well designed scheme could enhance the aesthetic qualities of the land fronting Ivydene. I would also agree that vehicle access parking and turning should be provided prior to occupation in the interests of highway convenience and safety
16. There is no evidence as to why Building Regulations would not deal satisfactorily with the issue of drainage and I would deem a condition on this matter is not necessary. There is also no development plan based evidence on why emission rates and/or water efficiency measures should be at variance from the norm and to my mind a condition on these matters would not be necessary.
17. On occasions I include some variation from the wording set out by the Council in order to aid precision and accord with national guidance and legislation.

Overall conclusion

18. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on character and appearance of the locality or living conditions for local residents. Accordingly the appeal is allowed.

D Cramond

INSPECTOR

SCHEDULE OF CONDITIONS (10)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. A-001 (Amended Plan) (23.01.20); Drawing No. A-004 (Amended Plan) (23.01.20); Drawing No. B-002 (Amended Plan) (23.01.20); Drawing No. B-001 (Amended Plan) (23.01.20).
3. Samples of the external facing materials to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any works on site above damp proof course level are commenced. The development shall then be built in accordance with these approved samples.
4. The high level rooflights in the northern, eastern, southern and western roof slopes should have a minimum internal cill height of 1.7 metres above finished floor level.
5. The first floor window in the northern elevation of the new dwelling hereby permitted shall not be glazed otherwise than fully with obscured glass and with a fixed pane arrangement other than at greater than 1.7 metres above finished floor level, and shall thereafter permanently retained as such.
6. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 and Classes A, B, C, E and F of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any orders amending or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) or the provision of any other building or hardstanding within the curtilage other than as expressly authorised by this permission shall be carried out without planning permission being first obtained from the Local Planning Authority.
7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no means of enclosure or other alteration permitted by Class A of Part 2 of Schedule 2 of that Order shall be erected on the application site without the prior written approval of the Local Planning Authority of an application made for that purpose.
8. No part of the development shall be first occupied unless and until the proposed vehicular access to Ivydene has been constructed and provided in accordance with the approved plans and thereafter shall be kept permanently maintained.
9. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning area shall be retained and maintained for its designated purpose.
10. Before any works on site above damp proof course level are commenced a detailed landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority which specifies species, planting sizes, spaces and numbers of trees/ shrubs and hedges to be planted. All

landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the occupation of the buildings or the completion of the development (in that phase) whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.