
Appeal Decision

Site visit made on 19 October 2020

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 04 November 2020

Appeal Ref: APP/A3655/W/20/3256433

29 Eve Road, Woking GU21 5JS

- 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 Mazar of Accident Claims Care Ltd against the decision of Woking Borough Council.
 - The application Ref PLAN/2018/1169, dated 25 October 2018, was refused by notice dated 4 June 2020.
 - The development proposed is change of use of the premises from A1 to residential and extensions and alterations to create 8 residential units with associated bin storage, landscaping and cycle storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) the effect on the character and appearance of the area,
 - b) whether the proposal would secure acceptable living conditions for future occupiers,
 - c) the effect on the living conditions of the occupiers of No. 31 Eve Road,
 - d) whether the site would be a suitable location for the proposed development having regard to the risk of flooding,
 - e) the loss of the retail use, and
 - f) the acceptability of the proposed housing mix.

Reasons

Character and appearance

3. The appeal building stands prominently within a street comprising Victorian and early 20th century housing. Although there are some gaps between dwellings, most are so closely spaced that they give the road the appearance of a traditional terraced street. Unlike neighbouring buildings, the appeal building is flat roofed, which gives it a fairly stark appearance when seen alongside the more characterful forms and detailing of the adjacent housing.

4. The proposal seeks to improve the appearance of the building. I accept that it would not necessarily be appropriate to alter the building so that it appears as a facsimile of the neighbouring dwellings. Changes to the ground and first floor road facing elevations would give the building a strong rhythm, which would help it to better assimilate with its neighbours. Openings would be well aligned and the lowering of the higher part of the building at the front would be an improvement, as would the introduction of brick.
5. However, the introduction of the additional storey, even if clad in lighter materials and with a modest set back as proposed, would increase the scale of the building in a manner that is wholly at odds with the strong and simple form of dwellings along both sides of the road. It would break forward of the roof plane of the neighbouring buildings such that it would be highly visible in long views along the road in both directions. This effect is not fully reflected by the submitted street view drawings which are at close range to the site. The proposal's impact would be exacerbated by the formation of a balcony area with a prominent glass balustrade, and the potential for domestic clutter on the balcony to be easily seen from the road in an elevated position.
6. The positive changes to the existing road facing facade would not be so significant that they would outweigh the level of harm that would be caused by the additional storey, the balcony and balustrade. Furthermore, there is no evidence before me to support the claim that the viability of the proposal is dependent on adding the top floor.
7. In summary, the proposal would harm the character and appearance of the area. It would be contrary to Policies CS21 and CS24 of the Woking Core Strategy 2012 (WCS), which amongst other things seek to ensure that development proposals are designed to a high standard to respond positively to the streetscene and townscape character.

Living conditions for future occupiers

8. Bedrooms for flats 6 and 8 would be lit by rooflights and would therefore have a good level of daylight, however the rooflights would not provide the rooms with a meaningful outlook. These bedrooms would also have small windows that would face out over a passageway to the side of the building that is beyond the site area defined by the red line on the submitted block plan. As this is adjoining land and some of the windows would directly overlook the neighbouring garden it would be necessary for these windows to be obscurely glazed and fixed shut. The appellant suggests that these windows could be openable, however this would do little to improve the outlook from these rooms and would lead to the potential for occupants of the flats to look out over the neighbouring garden.
9. The appellant suggests that the layout of these flats could be altered so that the bedroom area would not be enclosed within a separate room, forming a studio flat. However, I can give this matter little weight as this is not the proposal before me.
10. These same flats would have small balcony areas. They would be enclosed by closely spaced vertical fins to form a privacy screen. Short side aspects of the balconies would also be enclosed by full height obscured glazing. I appreciate that the vertical fins feature in many areas of the building and would be a design feature that would give the exterior of the building some visual interest.

However, they would significantly enclose these small balcony areas and severely limit the outlook from both the balcony and from within the flats.

11. The poor outlook from the balconies in combination with the lack of outlook from the bedrooms would not secure acceptable living conditions for the future occupiers of flats 6 and 8. This would be contrary to Policy CS21 of the WCS, which seeks to ensure that development proposals are designed to a high standard, and advice set out in the Supplementary Planning Document Outlook, Amenity, Privacy and Daylight 2008, which seeks to ensure satisfactory levels of outlook for residential development.

Living conditions of occupiers of No. 31 Eve Road

12. The proposal would result in a three-storey building projecting beyond the rear of the neighbouring dwelling to the east, No. 31 Eve Road. This would substantially increase the scale of the building when viewed from the neighbouring garden, to the extent that it would be dominant and overbearing. This would contrast significantly with the modest and low form the building currently has where it stands alongside the neighbouring garden.
13. I note that the neighbouring garden is a good size. However, the impact of the proposal would be felt across most areas of the garden, and the additional scale of the building would reduce levels of daylight and sunlight to the area of garden closest to the rear of the dwelling during the second half of the day. Furthermore, the placement of a number of windows facing towards the neighbour, although obscured and fixed shut, would still give users of the neighbouring rear garden a perception of being overlooked, thereby reducing the level of privacy they would currently enjoy.
14. Therefore, the proposal would have a harmful impact on the living conditions of the occupiers of No. 31 Eve Road, contrary to Policy CS21 of the WCS, which among other things seeks to ensure that development proposals avoid a harmful impact on adjoining properties.

Flooding

15. The site is within Flood Zone 1 and is therefore not considered to be at risk of fluvial flooding. Evidence before me suggests that the site immediately abuts an area at risk of significant surface water flooding and that such flooding could occur across the whole site. A significant surface water flooding event occurred in 2016, which caused flooding to roads and buildings within 15 minutes of a storm occurring. This is unlikely to be a one off event as the surface water sewers were found to be in good order after the flood, and the flooding eased after the storm which would not have happened if there had been a blockage or fault. Although details do not show how the appeal site was affected by this event, the map evidence before me and the levels set out on the site survey show only a very modest level difference between the highest point of the site fronting Eve Road and the lower level of the adjacent garage fronting Albert Drive where flooding at a significant depth occurred.
16. There is no warning system in place for the type of flash flooding that could occur at the site and the proposal would see the use of the building change from a less vulnerable commercial use to a more vulnerable residential use. The layout would place the occupants of three units at ground floor level overnight. Bedrooms could become flooded while occupants sleep. Based on

the information submitted this could occur very quickly and to a significant depth. Access to flat 3 is provided at the rear of the site away from Eve Road, across an area of land where flooding could occur.

17. The appellant suggests preventative measures that could be put in place, which might include flood gates or doors associated with the rear façade. An integral flood door may reduce the risk of a unit from flooding, however no details of such products are before me or specified on the proposed plans and I note the Council's concerns that such products can fail. Flood gates would not be appropriate in this situation as they would rely on the quick action of the resident, who would have to act on their own incentive as there is no alert system in place. I am therefore not satisfied that such preventative measures would make the development safe for its lifetime.
18. In summary, I cannot be satisfied that future occupiers of the proposed development would be safe from the risk of flooding. This would be contrary to Policy CS9 of the WCS and paragraph 163 of the National Planning Policy Framework, which seek to ensure that development proposals are designed to be appropriately flood resistant and resilient.

Loss of retail use

19. The proposal would include the loss of four retail units. The area of the appeal site is recognised by the Council as a priority place, and Policy CS5 of the WCS seeks to address the challenges faced in the area. Amongst other things this Policy seeks to resist the loss of existing retail units. There is little evidence before me to suggest that the situation in the area, in terms of the retail market or current vacancies, is significantly different to what it was in 2012 when the Policy was adopted. I am thus not satisfied that I should give the Policy reduced weight.
20. The appellant states that the retail units have been empty since 2014 when the road layout was changed and Eve Road became a dead end road. I accept that the road is quiet and no longer benefits from through traffic and that the site is relatively isolated from other retail units. However, the policy seeks to retain existing retail units across the whole area. No differentiation is made between isolated units and those included within retail areas. Furthermore, no evidence is before me to demonstrate that the units have been marketed in a meaningful way, or that they could not be used for a retail use that may not require a busy street frontage.
21. The appellant refers to the potential to change the units to dwellings using permitted development rights, and that the Council previously accepted such a proposal through an application to exercise such rights. However, as no details of this application are before me I am unable to make an assessment as to whether this fallback position would be capable of implementation, or would deliver a similar proposal. I cannot come to a view as to whether there is a real prospect that such a development might take place. Accordingly, this matter is not of sufficient weight that it would cause me to come to a different conclusion on this main issue.
22. In summary, the proposal would result in the loss of four retail units at the site which would be contrary to Policy CS5 of the WCS which seeks to resist the loss of retail units in this area.

Housing mix

23. The Council identify a need for additional two and three bed family accommodation in the area. The proposal would deliver 3 studio units and 5 one-bedroom units. These would not be suitable for family occupation and would not accord with the Council's identified need. There is no evidence before me to suggest that a smaller number of larger units could not be accommodated at the site, and nothing to support the claim that such a scheme would be unviable.
24. I accept that the proposal would still deliver new dwellings, however it would not address the clear requirement of Policy CS11 to respond to local need. Furthermore, the Policy also refers to the need for development to provide a mix of dwelling types and sizes based on the established character and density of the neighbourhood. The proposal would provide a very limited mix of dwelling sizes, and would provide accommodation that would be quite different to existing accommodation in the area, which mainly comprises large family houses.
25. In summary, the proposed mix of dwelling types and sizes would not be acceptable as it would not accord with Policy CS11 of the WCS, which seeks to ensure that development proposals for housing will address local need.

Other Matters

26. The appeal site is within the vicinity of the Thames Basin Heaths Special Protection Area (SPA). The addition of residential units within this area would be likely to have a significant effect on the internationally important interests and features of the SPA. However, as I am dismissing the appeal the likely significant effect will not occur and this matter does not therefore need to be considered further.
27. The proposal would deliver new units of residential accommodation in a location with good access to local facilities that would maximise the use of an underused site. Whilst these are positive matters they are not sufficient to outweigh the harm to the character and appearance of the area, the failure of the scheme to secure acceptable living conditions for future occupiers, the harm to the occupiers of the neighbouring dwelling, matters relating to flooding, the loss of retail uses and the housing mix.

Conclusion

28. For the reasons above, the appeal should be dismissed.

Andrew Tucker

INSPECTOR