
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: 24 November 2020

Appeal Ref: APP/A3655/W/20/3255376

Spindleberry, 6 Friars Rise, Woking GU22 7JL

- 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 Williams against the decision of Woking Borough Council.
 - The application Ref PLAN/2020/0007, dated 3 January 2020, was refused by notice dated 4 June 2020.
 - The development proposed is demolition of 2 storey side extension, two storey front extension, single storey rear extension, loft conversion, subdivision of plot for new 5 bedroom dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of 2 storey side extension, two storey front extension, single storey rear extension, loft conversion, subdivision of plot for new 5 bedroom dwelling at Spindleberry, 6 Friars Rise, Woking GU22 7JL in accordance with the terms of the application, Ref PLAN/2020/0007, dated 3 January 2020, subject to conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by Mr Williams against Woking Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The parties agree that the list of plans included on the Council's decision notice is not correct. A correct list of plans is before me, as well as confirmation that these are the plans upon which the Council determined the application. I will consider the proposal on the basis of the correct plan list.

Main Issues

4. The main issues are:
 - 1) Whether there would be likely to be a significant effect on the internationally important features of the Thames Basin Heath Special Protection Area (SPA), in combination with other plans and projects, and
 - 2) The effect on the character and appearance of the area.

Reasons

Special Protection Area

5. The appeal site is within the 400m – 5km buffer zone of the SPA. The SPA is designated for its internationally important habitat which supports breeding populations of three rare bird species; the Dartford Warbler, Woodlark and Nightjars. The conservation objectives of the SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and to ensure that the site contributes to achieving the aims of the Wild Bird Directive.
6. The proposal includes a new dwelling and would therefore result in a permanent increase in people residing at the site. This increase could have a significant adverse effect on the protected habitats and interests of the SPA because persons residing at the site could access the protected area for leisure purposes. Human disturbance can increase bird mortality and impact migratory journeys and breeding, ultimately leading to a population reduction. On this basis, either along or in combination with other plans and projects, the proposal would be likely to have a significant effect on the integrity of the SPA and its relevant features.
7. Natural England (NE) as the Statutory Nature Conservation Body was consulted during the appeal process. NE advises that without appropriate satisfactory avoidance and mitigation measures, the proposal would result in an adverse effect on the integrity of the SPA. NE has referred to the need to comply with the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 (AS), by contributing to Suitable Alternative Natural Green Space (SANG) and Strategic Access Management and Monitoring (SAMM). Contributions to SANG are secured by the Community Infrastructure Levy.
8. The appellant has put forward a signed and dated Unilateral Undertaking (UU) pursuant to Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution towards SAMM in the event that the appeal is allowed. The UU has been agreed by the main parties. It secures an appropriate financial contribution that satisfies the requirements of the AS, Policy CS8 of the Woking Core Strategy 2012 (WCS) and Saved Policy NRM6 of the South East Plan 2009 (SEP). The UU meets the three tests set out at paragraph 56 of the National Planning Policy Framework (the Framework).
9. In summary, the proposal would be unlikely to have a significant effect on the SPA, in accordance with Policy CS8 of the WCS and Saved Policy NRM6 of the SEP, which together seek to ensure that adequate mitigation measures are put in place to avoid adverse effects.

Character and appearance

10. The appeal site is within a residential area characterised mainly by large detached dwellings of various styles set in generous plots. Friars Rise is a cul-de-sac where dwellings are arranged in an informal manner along each side of the short road. It leads up to Tarrant House which is a large arts and crafts style building with prominent forward facing gables arranged on a curved footprint, including a roughly central three storey gable. The building has been converted to form separate dwellings. The cul-de-sac has a verdant character, achieved through a significant level of vegetation and tree cover set within plots and along road facing boundaries, to the extent that many dwellings are

not prominent to view from the road. Plot widths vary with wide plots either side of the site, narrower plots opposite and much narrower plots associated with Tarrant House, which is effectively a terrace.

11. The existing dwelling has a simple form. Although it occupies a wide plot the original dwelling sits to the west side of the plot, with extensions to the east of a more modest scale than the original dwelling. The proposed dwelling would replace the existing eastward extension.
12. In combination with the alterations to the existing dwelling, the proposal would result in a pair of dwellings standing alongside each other with a similar contemporary appearance. They would incorporate flat roofs and an overall massing comprising separate cuboids that would join together to form elevations set at different depths, creating interesting shadows and breaking up the combined mass of the buildings. I accept that this architectural language would differ from the more conventional forms of dwellings adjoining the site, however nearby buildings do not adopt a single style, allowing for buildings of a further differing style to be accommodated within the area without harming its character.
13. Furthermore, the proposed dwelling would be set at a different angle to the existing dwelling, aligning at the front with the angle of the neighbour to the east, which would help it to assimilate with the layout and spacing of existing buildings relative to the street. The retention of a substantial planted area across the front of the plot and, the set back of the dwellings and areas of existing vegetation towards the front of neighbouring dwellings would all serve to soften the impact of the contemporary forms proposed.
14. The proposed plot widths would be narrower than the neighbouring plots to either side, however the impact of this would be lessened to a degree by the differing angle of the two dwellings. The plot widths would be similar to the widths of the plots opposite. Furthermore, the distance between the new dwelling and the existing dwelling to the east would be similar to the space between the existing dwelling and the neighbouring dwelling to the west, as well as the close spacing of dwellings arranged around the corner of Friars Rise and Heathfield Road.
15. The alterations to the existing dwelling would include an additional storey to provide a further bedroom. This addition would not give the appearance of a conventional three storey building when viewed from the road, as the top floor would be set back significantly and would have a largely blank appearance. At my visit I saw various examples of three storey dwellings in the area and the front elevation streetscene shows that the extended building would sit comfortably alongside the new dwelling and the existing dwellings to either side.
16. The appeal site slopes away significantly to the south. When viewed from the rear garden at a lower level the dwellings would appear to have a much greater scale than they would from the road. However, the impact of this would only be felt from the rear garden areas and to a lesser extent adjacent gardens owing to the screening effect of the mature trees towards the bottom of the garden. This limited effect could not be considered to have a harmful impact on the wider character and appearance of the area.

17. The recent appeal at the neighbouring property¹ is not particularly comparable to the proposal as this was for a new dwelling to the rear of the existing dwelling, where the inspector recognised that the prevailing pattern of development in the area is frontage development. The verdant characteristics of the appeal site to the front and rear would be retained as a result of the proposal, and the new dwelling would be aligned to match the prevailing pattern of development in the area.
18. References to approved schemes in the area that are considered to have maintained or enhanced the streetscene are before me. Such details are limited, however I have also found that the proposal would maintain and enhance the character of the streetscene.
19. In summary, the proposal would not harm the character or appearance of the area. It would accord with Policy CS21 of the WCS and Woking Design SPD 2015, which among other things seek to ensure that development proposals are well designed.

Other Matters

20. The appeal site stands between two conservation areas. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. I note that the Council did not raise concern about this matter in its officer report. On the basis of this, and my own observations on site where I found the site to be well contained and quite separate from the adjacent conservation areas, I am satisfied that the proposal would preserve the character and appearance of the conservation areas.
21. Plans show that adequate parking would be provided to serve both dwellings. The five way junction to the west of the site has a rather odd arrangement. However, there is no evidence before me to suggest that the addition of a single dwelling would harm highway safety, taking into account the number of dwellings that are already served by the junction.
22. The proposals relate to areas of the site that are already developed. On this basis I am satisfied that there would be no harm to local ecology.
23. Observations are before me relating to the effect of the proposal on the living conditions of both neighbours. The effect of the extended existing dwelling on the neighbour to the west would be acceptable. Only one opening would face towards this neighbour and it would be set well back into the plot, and behind opaque screens across the sides of the decking to be secured by a condition, thus avoiding any opportunity for overlooking towards the neighbour.
24. The new dwelling would be close to the side of No. 7 Friars Rise with a form that extends across its side elevation. Part of the building would be close at the ground floor and would be higher than the ground floor of the neighbour. However, evidence before me confirms that these side windows are not sole windows to habitable rooms, and I could see that the neighbouring dwelling provides for good uninterrupted outlook in other directions. I therefore find that the proposal would not have a significantly harmful impact on the daylight levels enjoyed by occupiers of the neighbouring dwelling. Furthermore, the varied massing of the proposed dwelling, which includes a considerable set

¹ APP/A3655/W/18/3194003

back to the en-suite bathroom to bedroom 1 and a variety of facing materials, would result in a building that would not have an overbearing effect.

Conditions

25. I have had regard to the planning conditions suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty. I have imposed conditions relating to materials, trees and landscaping to safeguard the character and appearance of the area.
26. I have imposed conditions to protect the living conditions of the neighbouring dwellings, with reference to obscure glazing to side windows and screens to the side of the decking areas.
27. I have imposed a condition relating to surface water drainage to prevent an increased risk of flooding, to improve and protect water quality and to secure future maintenance. This needs to be a pre-commencement condition to ensure that an assessment of existing surface water run off at the site can be carried out before any construction work begins, and this matter has been agreed with the appellant.
28. I have imposed a condition relating to water consumption to satisfy the objectives of Policy CS22 of the WCS.
29. The Council has suggested that a condition should be imposed to restrict permitted development rights relating to extensions, roof alterations and porches. Paragraph 53 of the Framework makes it clear that there must be clear justification to use a condition to restrict permitted development rights. Alterations that could be carried out to the new dwelling alongside the existing dwelling to the east by exercising Class A of Part 1 of Schedule 2 could have an adverse effect on the living conditions of occupiers of the neighbouring dwelling. I am therefore satisfied that this part of the condition is justified. However, alterations that could be carried out by Class B and C are severely limited by virtue of the flat roof forms the buildings would adopt. The affect of adding a small porch to either building by virtue of Class D would be limited, and would not harm the living conditions of neighbouring occupiers. I am therefore not satisfied that it would be necessary or justified to include Classes B, C and D within the condition.

Conclusion

30. For the reasons above, the appeal should be allowed.

Andrew Tucker

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall be carried out in strict accordance with the following submitted plans: 6FR-P-19-01, 6FR-P-19-02, 6FR-P-19-03 Rev C, 6FR-P-19-04 Rev C, 6FR-P-19-05 Rev C, 6FR-P-19-06 Rev C, 6FR-P-19-07 Rev C, 6FR-P-19-08 Rev C, 6FR-P-19-09 Rev C and WV-BC-19-10 Rev C.
- 3) Above ground development associated with the development hereby approved shall not commence until details of the materials to be used in the external elevations have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) The first floor windows in the east elevation of the altered existing dwelling and the east and west elevations of the proposed dwelling hereby permitted shall be glazed entirely with obscure glass and non-opening unless the parts of the window/s which can be opened are more than 1.7 metres above the floor level of the rooms in which they are installed. Once installed the windows shall be permanently retained in that condition.
- 5) Prior to the first occupation of any part of the development hereby permitted, 1.7 metre high opaque screens above the patio decking of both the altered existing dwelling and the proposed dwelling shall be erected along their entire eastern and western edges, in accordance with details which must be first submitted to and approved in writing by the Local Planning Authority. The development must then be implemented in accordance with the approved details and the screen shall thereafter be maintained to the height and position as approved.
- 6) No development shall commence until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme should demonstrate the surface water run-off generated up to and including the 1 in 100 plus climate change critical storm will not exceed the run-off from the existing site following the corresponding rainfall event. The drainage scheme details to be submitted for approval shall also include:
 - I. Calculations demonstrating no increase in surface water runoff rates and volumes discharged from the site compared to the existing scenario up to the 1 in 100 plus climate change storm event.
 - II. Calculations demonstrating no on site flooding up to the 1 in 30 storm event and any flooding between the 1 in 30 and 1 in 100 plus climate change storm event will be safely stored on site ensuring no overland flow routes.
 - III. Detail drainage plans showing where surface water will be accommodated on site.
 - IV. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The surface water drainage scheme shall be implemented in accordance with the approved details prior to the first use of the development hereby permitted and thereafter it shall be managed and maintained in accordance with the approved details in perpetuity.

- 7) Protective measures must be carried out in strict accordance with the arboricultural information Ref: Arboricultural Report APA/AP/2020/003 including the convening of a pre-commencement meeting and arboricultural supervision as indicated. No works or demolition shall take place until the tree protection measures have been implemented. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.
- 8) No above ground development associated with the development hereby permitted shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority which specifies the species, planting sizes, spaces and numbers of trees / shrubs and hedges to be planted, and includes full details of all materials to be used for hard landscaping. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November – March) following the occupation of the development 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.
- 9) Above ground development associated with the development hereby permitted must not commence until details have been submitted for the written approval of the Local Planning Authority demonstrating that the development will be constructed to achieve, as a minimum, the optional requirement set through the Building Regulations 2010 (as amended) for water efficiency that requires indoor wholesome water consumption of no more than 105 litres per person per day; and not less than a 19% improvement in the dwelling emission rate over the 2013 Building Regulations TER Baseline (Domestic). Such details as may be approved shall be installed prior to the first occupation of the development and maintained and operated in perpetuity.
- 10) Notwithstanding the provisions of Article 4 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 building, structure or other alteration permitted by Class A of Part 1 of Schedule 2 of that Order shall be erected on the application site (the existing and proposed dwellings) without the prior written approval of the Local Planning Authority of an application made for that purpose.