The Planning Inspectorate

Appeal Decision

Site visit made on 8 December 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2021

Appeal Ref: APP/A3655/D/20/3254177
59 Connaught Road, Brookwood, Woking, Surrey GU24 0ET

- 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 and Mrs Mertens against the decision of Woking Borough Council.
- The application Ref PLAN/2020/0038, dated 13 January 2020, was refused by notice dated 4 June 2020.
- The development proposed is the erection of an outbuilding.

Decision

1. The appeal is allowed and planning permission is granted for the erection of an outbuilding at 59 Connaught Road, Brookwood, Woking, Surrey GU24 0ET, in accordance with the terms of the application, Ref PLAN/2020/0038, dated 13 January 2020, subject to the conditions set out with 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: 3176-P01a

   3) Prior to their use in the development hereby approved, materials to be used in the construction of the external surfaces of the outbuilding hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details or samples.

   4) The development of the outbuilding hereby approved shall only be carried out in accordance with the methods, mitigation and tree protection measures as set out in the Arboricultural Report (AP Arboriculture) submitted to accompany this proposal.

Main Issues

2. The main issues are the effect of the development on (1) the character and appearance of the area and (2) the living conditions of neighbours to the site.

Reasons

Character and Appearance

3. The proposed is a two storey outbuilding towards the rear of the garden, at the rear of No 59 Connaught Road. This would be a large outbuilding, bigger than most others I observed on site in other gardens. However, it would be set within a long and large rear garden which has a railway line to its southern boundary. As such, the proposed outbuilding would not overdevelop this substantial sized plot. Furthermore, it would not be readily visible from within the street scene of Connaught Road. If seen, it has a domestic style appearance and as an outbuilding in a rear garden would not be out of keeping in this residential area.

4. The Council state that its size is such that it would effectively be a new dwelling. However, this is not what is proposed. The plans show garaging to the ground floor and a home office above. The appellant has also reiterated in their Statement that this is not a proposed dwelling and they would assume that any application in the future to convert it to an independent house would be refused. I have no substantive evidence to demonstrate that the appellant's intention is anything other than for an ancillary outbuilding as shown on the submitted plans, and not as an independent dwelling or commercial office for example.

5. The outbuilding would indeed be large, but this in itself does not mean it is harmful. It would not be visually prominent and it is proposed with a suitable design, subservient to No 59. There is also no reason to conclude that the outbuilding would not be incidental or ancillary to the dwelling at No 59, being that it is set within the existing rear garden of this property.

6. Overall, I am satisfied that the proposed outbuilding would be ancillary to No 59 and would not be harmful to the character and appearance of the area. As such the proposal would be in accordance with policy CS21 of the Woking Core Strategy (2012), which requires development to respect and make a positive contribution to the street scene and character of the area, amongst other things. Furthermore, the proposal generally accords with the Supplementary Planning Guidance documents – *Design* and *Outlook, Amenity, Privacy and Daylight.*

Living Conditions

7. The proposal includes garaging at the ground floor of the outbuilding. This would involve vehicles driving past the side of No 59 and through the rear garden to the outbuilding. The Council is concerned as to the noise and disturbance as a result of vehicles driving in the rear garden, which is adjacent to other rear gardens of neighbouring houses.

8. This would introduce some additional noise to the rear gardens and possible through windows/doors of neighbouring houses, which may disturb occupants. However, this garage would hold approximately two or three vehicles only and it is unlikely that there would be a significant amount of vehicle movements through the plot to the outbuilding throughout most days. The frequency of the disturbance would not likely be sufficient to result in significant levels of disturbance through noise for neighbouring occupiers.

9. I am also aware that there is a main train line to the rear of these houses which would be part of the background noise. As such, the noise of infrequent movement of vehicles within the plot of No 59 in this context would not result in harm to the tranquillity of the area to a significant degree.

10. In terms of other potential impacts to neighbour living conditions, its position in the site is such that it would not result in significant adverse impacts as a result of overlooking from the first floor office window or through overshadowing of neighbouring properties, for example.

11. In this regard, the proposal is in accordance with policy CS21 of the Woking Core Strategy (2012), which requires development to achieve a satisfactory relationship with adjoining properties, for example.

Conditions

12. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the National Planning Policy Framework and PPG.

13. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.

14. Both parties have suggested the use of a condition to restrict the outbuilding from being used as a separate dwelling. However, I have concluded that the proposal before me is an ancillary outbuilding only and does not result in a material change of use that results in a new dwelling. That being the case and on the basis of the information before me I am satisfied that a condition would not therefore be necessary in this case as the establishment of a separate dwelling would create a new planning unit, resulting in a material change of use and would therefore require planning permission of its own right, should it occur in the future. Therefore, this would give the Council control. What is proposed in this appeal is not a separate dwelling/new planning unit, but an ancillary outbuilding.

15. The Council has advised the inclusion of a condition that the first floor windows be obscure glazed where they are not more than 1.7m above ground level. However, I am aware that the Planning Officer's Report stated that the proposal would not create unacceptable overlooking impacts towards neighbouring properties on the basis of the separation distance of proposed windows to neighbour windows. This is something I would agree with. Furthermore, there would be some views over the rear end sections of neighbour's gardens, but not towards the typically more sensitive garden areas near the rear of dwellings. Furthermore, there is already a degree of overlooking from neighbouring properties into other rear gardens. Considering all this I do not conclude that there would be a significant overlooking impact, even if the proposed first floor windows were not obscure glazed. As such, this recommended condition is not necessary and has not been included.

16. I am aware that there was the suggestion of a Tree Protection Plan with the Council evidence. However, there is an Arboricultural Report which includes a Tree Protection Plan, as submitted by the Appellant. This includes reference to

an oak on adjacent railway land (T7) which the report states should be pruned to clear the new building by 2 metres. There is some incursion into the root protection areas of two trees, including this oak, but this document concludes that the levels of incursion are relatively minor at the root protection area margins and states that *"Conventional foundation design to be used with precautions.."* As such, I conclude that a condition should be attached to ensure that the development is carried out in accordance with this Arboricultural Report and its tree protection measures.

Conclusion

17. For the reasons set out above and in considering all matters raised, the appeal is allowed subject to the condition set out in the Decision.

Steven Rennie

INSPECTOR