



Appeal Decision

Site visit made on 22 March 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2021

Appeal Ref: APP/A3655/W/20/3257459

Chestnut Lodge, Forest Road, Pyrford, Woking GU22 8LU

- 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 Kevin Baker against the decision of Woking Borough Council.
 - The application Ref PLAN/2020/0420, dated 18 May 2020, was refused by notice dated 10 July 2020.
 - The development proposed is subdivision of existing property into two 4 bedroom dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect on the Thames Basin Heaths Special Protection Area (SPA) and the Thursley, Ash, Pirbright and Chobham Special Area of Conservation (SAC); and
 - ii) the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Special Protection Area and Special Area of Conservation

3. The appeal site is located within 5 kilometres of the SPA, within which the SAC is entirely contained. Based on the evidence before me, the areas provide habitats of wet and dry heath, and support populations of breeding Nightjar, Woodlark, and Dartford Warbler. Due to their location and open public access, there is potential for recreational pressure and disturbance of the SAC and SPA.
4. Due to the location of the appeal site, the requirements of the Conservation of Habitat and Species Regulations 2017 apply (the Regulations). The Regulations require that I, as the competent authority, must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SAC and SPA. I note the appellant's comments in relation to the decrease in built form, with only an increase of two bedrooms. However, when combined with other development within the area, and taking a precautionary approach as required by the Regulations, I am satisfied that the proposal would result in

an increase in recreational activity which would lead to a likely significant effect on the integrity of the SAC and SPA.

5. Due to the effect of the proposal, the Regulations place a duty on competent authorities to make an appropriate assessment of the implications of the development proposed in view of the site's conservation objectives. On this point however, the appeal has not been accompanied by any mechanism to secure the necessary mitigation advocated by the Council.
6. As a consequence, I conclude that the proposal would be likely to result in a significant adverse effect on the integrity of the SAC and SPA. Accordingly, it would fail to comply with the requirements of the Regulations as well as Paragraph 175(a) of the Framework which states that where significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused. Additionally, it would fail to comply with Policy CS8 of the Woking Core Strategy (2012) (CS) and saved Policy NRM6 of the South East Plan (2009). Taken together, these seek to protect the Thames Basin Heaths Special Protection Area.

Character and appearance

7. The appeal site is occupied by a large detached dwelling. It is set back from the highway and has a generous garden to the rear which is bounded by mature and verdant landscaping. The dwelling itself is formed by two distinctive sections of built form, joined by a central 'link' structure which is set back from the front façade.
8. The dwelling is one of a number of large detached buildings which occupy sites that host mature trees and well-maintained landscaping. The houses are generally set back from the road with space between buildings. The combination of the space between the road and houses, the mature landscaping, and the gaps between buildings generate a visually pleasing environment. However, the houses differ in terms of their architectural appearance and gaps between dwellings are not consistent. Accordingly, although the pleasant surroundings are fundamental to the character and appearance of the area, there is no specific uniformity or rhythm in the surrounding built form.
9. The proposal would demolish the central link of the existing building to create two detached dwellings. In doing this, the site would be subdivided, and the two remaining buildings would be located close to each other. However, due to the design of the existing building, in oblique views, the central link is already difficult to perceive, thereby giving the impression of two distinct structures. Moreover, as identified above, gaps between dwellings is not the overriding feature which defines the character and appearance of the area. There are many examples of houses not being separated by wide gaps, and there is distinct variety in plot sizes and house types. However, despite this variety, generous space is retained between the roads and buildings, and mature landscaping reinforces the verdant character of the surroundings.
10. The proposal would maintain the space between the road and dwellings. It would also retain much of the important landscaping on the site. Accordingly, when combined with the marginal change in the visual appearance of the overall building, I am satisfied that the proposal would preserve the overriding characteristics of the area. It would therefore not appear unduly cramped or

contrived and would not demonstrably alter the appearance of the immediate surroundings.

11. Consequently, I conclude that the proposal would not harm the character and appearance of the area. It would therefore comply with Policies CS21 and CS24 of the CS, Policy DM10 of the Development Management Policies Development Plan Document (2016), and Policies BE1 and BE3 of the Pyrford Neighbourhood Plan (2017), as well as guidance contained within the Woking Design Supplementary Planning Document (2015). Taken together, these seek amongst other things, high quality design that is respectful to the character of the area in which it is situated.

Conclusion

12. Although I have found that the proposal would not harm the character and appearance of the area, this does not outweigh the fundamental concerns in relation to the effect on the SPA and SAC. Accordingly, for the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR