



Appeal Decision

Site Visit made on 23 March 2021

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 4th May 2021

Appeal Ref: APP/A3655/W/20/3263325

194 Old Woking Road, Woking, GU22 8HR

- 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 S Parker Luxuria Developments Ltd against the decision of Woking Borough Council.
 - The application Ref PLAN/2020/0774, dated 4 September 2020, was refused by notice dated 29 October 2020.
 - The development proposed is demolition of existing dwelling and erection of two new five bedroom dwellings with accommodation in the roof space.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and erection of two new five bedroom dwellings with accommodation in the roof space at 194 Old Woking Road, Woking, GU22 8HR in accordance with the terms of the application, Ref PLAN/2020/0774, dated 4 September 2020, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issue

2. The second reason for refusal on the planning decision notice relates to the absence of a deed to secure contributions for mitigation of the impact of the proposal on the Thames Basin Heaths Special Protection Area (the TBHSPA). Such a deed was provided with the appeal and the Council have confirmed that it no longer wishes to defend the second reason for refusal. Accordingly the main issue for this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is within the designated urban area and the Council raises no objection in principle to residential development provided other planning policies and material considerations are satisfied. I see no reason to disagree.
4. No 194 Old Woking Road is a detached house in extensive gardens in a row of similar properties. The houses on this part of Old Woking Road are generally well set back from the road with mature tree cover. This gives a spacious verdant quality to the street scene with mature vegetation generally more prominent than buildings. The dwellings in the local area vary in size, design, and distances from the boundaries.
5. Trees at the front of the appeal site together with those of the neighbouring properties are protected as part of Plan Ref A3 of the Area TPO/46 the Old Woking Road Tree Preservation Order 1962 (the TPO). The most important

trees are the group of oak, beech, and Scots pine trees directly adjacent to Old Woking Road, from where they are readily visible, and the large oak adjacent to Sandy Lane. These would be retained.

6. Ten trees of lower quality or short-term potential would be removed. One of these, a Lawson cypress, is protected by the TPO but is identified as having a tight fork at 1.5m and potential for failure and decay. It is more noticeable from Old Woking Road when other trees are not in leaf but, due to the other trees that would be retained, the removal of it and the other trees as proposed would not unduly harm the sylvan character of the area or result in a significant negative impact on the local environment and its enjoyment by the public. The Council raises no objections to the loss of trees and I see no reason to reach a different conclusion.
7. The proposed dwellings would have plot widths significantly narrower than the neighbouring houses on this part of Old Woking Road. However, the proposal is to use the existing access and to retain most of the existing mature vegetation as well as providing extra planting. Accordingly the relative width of the proposed house plots would not be apparent in views from Old Woking Road so there would be no conflict with Policy DM10 of the Woking Development Management Policies Development Plan Document 2016 (the DPD).
8. The proposed houses would be some 3.4m apart and would be between about 1.6m and 1.7m from the side boundaries. These distances are much less than those of the immediately adjoining houses. However, the houses would be set well back from the highway boundary so the narrower gaps would not be particularly evident. Moreover some space would be retained up to the boundaries and much of the mature vegetation would be retained so I find little conflict with the aims of Policy DM10(i) of the DPD. I also note that the house at No 198 Old Woking Road is sited very close to one side boundary with an out building on the other side and, being much closer to the highway boundary, is more prominent in the street than the proposed houses would be. On this basis I consider the proposed development would not amount to over development of the site or be so out of keeping with the grain and pattern of development as to be harmful to the character and appearance of the area.
9. The houses would be two full storeys with further accommodation in the roof space. They would be face towards Old Woking Road and set back as required by DM10(ii) and suitable soft landscaping would be retained/supplemented as required by Policy DM10(iv). The proposed design, appearance and materials of the houses would not be out of character in the local area.
10. For the above reasons and subject to appropriate conditions I conclude the proposed development would have an acceptable effect on the character and appearance of the area. I therefore find no conflict with Policy CS21 of the Woking Core Strategy, with Policy DM10 of the DPD taken as a whole, the Supplementary Planning Document "Working Design" 2015 or those principles of the National Planning Policy Framework (the Framework) that seek good design that respects the character of the local area.

Other Matters

11. The Council can demonstrate in excess of a five year supply of deliverable housing land. The proposal would add a dwelling to the local supply and would

- help boost the supply of housing in accordance with the principles of the Framework.
12. The site is within the 400m to 5km zone of the TBHSPA which is a network of heathland sites that covers more than 8,000 hectares. It is predominantly dry and wet heath but also includes area of deciduous woodland, gorse scrub, acid grassland and mire, as well as associated conifer plantations. The TBHSPA provides a habitat for three internationally important bird species: nightjar, woodlark, and Dartford warbler. The Thursley, Ash, Pirbright and Chobham Special Conservation Area (the SAC) overlaps the TBHSPA and contains habitats of wet and dry heaths and depressions on peat substrates. The TBHSPA/SAC provide an important recreational and economic resource. It is well frequented by the public and it is likely that occupants of the proposed dwellings would visit it.
 13. It is necessary for me, as the competent authority, to conduct an Appropriate Assessment in relation to the effect of the development on its integrity. The evidence before me is clear that the proposal, particularly when combined with other development in the area, would have a significant effect on the TBHSPA due to an increased disturbance through recreational activity.
 14. However, the parties have agreed a financial sum in accordance with the Council's Thames Basin Heath Special Protection Area Avoidance Strategy 2010-2015 (the Avoidance Strategy) to be put towards a range of infrastructure and non-infrastructure projects.
 15. Natural England is content that financial contributions towards Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) through a legal agreement, are sufficient to avoid an adverse impact to the integrity of the TBHSPA.
 16. I am satisfied that the contributions secured through the completed legal agreement and via the SPA tariff of the Community Infrastructure Levy would enable the delivery of mitigation sufficient to address the level of harm likely to be caused by the development, and would be pursuant to the Council's adopted Avoidance Strategy. I therefore find that, subject to the proposed mitigation, the proposal would not result in a significant harmful effect on the integrity of the TBHSPA or SAC and would accord with the relevant policies in the development plan.

Conditions

17. have considered the Council's suggested conditions and where appropriate amended the wording to align more closely with the Framework and the Planning Practice Guidance. As well as the standard condition specifying the time limits for the commencement of development compliance with the approved plans is necessary to provide certainty.
18. Control over materials and means of enclosure are necessary in the interests of the appearance of the area. Details of landscaping, tree protection measures and drainage connections and all service runs are necessary in the interests of the character and appearance of the area and biodiversity. The provision of the approved access, areas for parking and turning of vehicles and a Construction Transport Management Plan are necessary in the interests of highway safety and convenience. Controls over the glazing and opening areas of some

windows is necessary to safe guard the privacy of neighbours. Although the Framework indicates conditions should not be used to restrict national permitted development rights unless there is clear justification to do so in this case it is necessary to control new openings in some elevations to protect privacy because of the closeness of the buildings to the boundaries. The implementation of approved schemes relating to emissions, water usage and electric charging points are necessary in the interests of making efficient use of resources.

19. The approvals and implementation relating to drainage connections and all service runs, tree protection measures and construction transport management are required before commencement of development as they are needed for the proper management of the development process.

Conclusion

20. I have found no conflict with the development plan and no material considerations indicate that the decision should be otherwise than in accordance with it. The appeal should succeed.

S Harley

INSPECTOR

Schedule of Conditions

1. The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed below:
 - DP/612/00-01 Rev P2
 - DP/612/00-02 Rev P2
 - DP/612/00-03 Rev P2
 - DP/612/EX-01
 - DP/612/PL1/01-01 Rev P2
 - DP/612/PL1/01-02 Rev P2
 - DP/612/PL1/02-01 Rev P2
 - DP/612/PL2/01-01 Rev P2
 - DP/612/PL2/01-02 Rev P2
 - DP/612/PL2/02-01 Rev P2Arboricultural Implications Report Ref. SJA air 19520-01a by SJA Trees.
3. Prior to the commencement of any above ground works in connection with the development hereby permitted, a written specification of all external materials to be used in the construction of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.
4. 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 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 five 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.
5. Prior to the commencement of the development hereby approved, full details of the drainage connections and all service runs on the site shall be submitted to and approved in writing by the Local Planning Authority. The method shall adhere to the principles embodied in BS 5837:2012 and the involvement of an arboricultural consultant and engineer will be necessary.

The development shall thereafter be carried out strictly in accordance with the agreed Statement.

6. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The method shall adhere to the principles embodied in BS 5837:2012. The development shall thereafter be carried out strictly in accordance with the agreed details.
7. Prior to the commencement of development protective measures must be carried out in strict accordance with the Arboricultural Method Statement by SJA Trees Ref. SJA air 19520-01a received on 04.09.2020 including the convening of a pre-commencement meeting agreeing a sequence of works 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 part of the development shall be first occupied unless and until the proposed vehicular access to Old Woking Road 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 areas shall be retained and maintained for their designated purposes.
10. No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives, and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materialshas been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
11. The rooflights (serving media/study and eaves cupboard) in the north roof slope of Plot 2 and the rooflights (serving media/study and eaves cupboard) in the south roof slope of Plot 1 hereby permitted, shall be glazed entirely with obscure glass and be non-opening unless the parts of the rooflights which can be opened are more than 1.7 metres above the floor levels of the rooms in which the rooflights are installed. Once installed the rooflights shall be permanently retained in that condition.
12. The first floor windows in the north elevation (serving the ensuite to bedroom 3) of Plot 2 and in the south elevation (serving the ensuite to bedroom 3) of Plot 1 on the approved plans hereby permitted shall be glazed

entirely with obscure glass and be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed. Once installed the windows shall be permanently retained in that condition.

13. 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 window, dormer window, rooflight, door or other additional openings other than those expressly authorised by this permission shall be formed (at first floor level or above in the north or south elevations (including the roof)) in Plot 1 or Plot 2 without planning permission being first obtained from the Local Planning Authority.
14. Prior to the commencement of any above ground works in connection with the development hereby permitted, written evidence shall be submitted to and approved in writing by the Local Planning Authority (LPA) demonstrating that the development will:
 - a) Achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of a Design Stage Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and,
 - b) Achieve a maximum water use of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence shall be in the form of a Design Stage water efficiency calculator.

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

15. The development hereby permitted shall not be occupied until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the development has:
 - a) Achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
 - b) Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010

(as amended). Such evidence shall be in the form of the notice given under Regulation 37 of the Building Regulations.

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

- 16.No above ground development associated with the development hereby permitted shall commence until details of all screen and boundary walls, fences, hedges, and any other means of enclosure (including private garden and sub-station enclosures) have been submitted to and approved in writing by the Local Planning Authority. The means of enclosure must be implemented fully in accordance with the approved details prior to the occupation of any part of the development and thereafter maintained to the height and position as approved.

Any hedges and planting which die or become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced during the next planting season with specimens of the same size and species.

- 17.No above ground development associated with the development hereby permitted shall commence until details of two passive electric vehicle charging points to be provided have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to first occupation of the development and thereafter retained in accordance with the approved details.

End of Schedule