



Appeal Decision

Site visit made on 9 December 2021

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2021

Appeal Ref: APP/A3655/D/21/3280816

1 Lime Grove, Westfield, Woking, GU22 9PW

- 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 & Mrs Mark and Bella Dennis against the decision of Woking Borough Council.
 - The application Ref PLAN/2021/0360 dated 29 March 2021, was refused by notice dated 23 June 2021.
 - The development proposed is erection of a single storey detached building comprising an annex following demolition of existing garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. Shortly after the refusal of this application the revised National Planning Policy Framework (the Framework) was published on 20th July 2021. The Framework does not, of course, change the starting point for determination as being the Local Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004. Given the main issues to be considered within this appeal, and the fact the appeal was submitted after the publication of the Framework, I do not find that this revision to the Framework impacts upon the basis of determination for this appeal.

Main Issues

4. The main issues are i) whether the proposal would be ancillary to the main dwelling and ii) the impact of the proposal upon the Thames Basin Heaths Special Protection Area.

Reasons

Whether the proposal would be ancillary to the main dwelling

5. The appeal site is a one and a half storey dwelling located on a corner plot between Westfield Avenue and Lime Grove. The appeal site has a garden to the rear and side. The existing garage, which is part of the appeal proposal, faces onto Westfield Avenue from within the garden behind gates. The proposal seeks to demolish this existing garage and erect a slightly larger single storey detached building. It is stated by the appellant that the proposal is for use as a residential annex to the main dwelling.

6. Development Management Policies Development Plan Document 2016 (DPD) Policy DM9 advises that ancillary accommodation should be designed in accordance with Woking Core Strategy 2012 (CS) Policy CS21, share a common access with the main dwelling, be physically incorporated and be designed in a manner which prevents them being occupied separately from the main dwelling. Notwithstanding this I find that it is evident within the policy wording that a proposal for freestanding ancillary accommodation should not automatically be refused provided it is genuinely demonstrated to be ancillary to the occupation of the main dwelling.
7. I note correspondence from the Council to the agent¹, in the original application, that if a freestanding unit was to be acceptable then the annex must be smaller in scale and with reduced kitchen facilities. This is presumably to increase dependence upon the main dwelling given the proposals intended function as an ancillary annex. No indication of what maximum floor area would be appropriate was provided by the Council. This correspondence, combined with the policy outlined, means I find the issue raised is not with the unit being freestanding, but more with the level/scale of accommodation and facilities physically proposed.
8. Regardless of the Nationally Described Space Standard (2015) the proposal would contain an open plan kitchen/living/dining room, bedroom, bathroom and utility area extending to a total in the region of 45 sq./m. Whilst I note the appellant's contention as to the use of the proposal, I find that the combination of accommodation proposed, in particular the living space and kitchen area, is quite extensive for annex accommodation. The scale and facilities proposed would allow someone (regardless of them being a relative or otherwise connected party) to occupy the appeal proposal with no reliance, connection or day to day interaction with the main dwelling. True annex accommodation should, I find, be ancillary in that it should have a connection to the primary activities of the main dwelling.
9. Based upon the evidence before me within this appeal, other than the close proximity of the proposal to the main dwelling, I find there is limited evidence to support its function as ancillary other than the appellant's offer to accept a condition or legal agreement restricting occupation of the proposal. I have considered the imposition of a condition, however, other than controlling who the occupants are (such as relatives and/or connected parties) I do not find a condition would suitably control day to day use which would essentially be independent due to the lack of connection to the main dwelling.
10. It is also noted that DPD Policy DM9 states that separate, freestanding, independent accommodation will be treated in the same way as a proposal for a new dwelling. The proposal would replace an existing outbuilding which, whilst it would be larger, I do not find would result in an impact upon the appearance of the area which would warrant refusal. Despite this the area is characterised by medium and large detached dwellings within wide frontages and generous plots as seen from the site location plan.
11. A new dwelling in this location would be out of character with the development pattern and would present as cramped, and narrow, as a dwelling. As a new dwelling the proposal would impact unacceptably upon the character of the area.

¹ Email dated 15 June 2021 (10:42)

12. The proposal would be contrary to DPD Policy DM9 which seeks to ensure freestanding accommodation is genuinely ancillary to the occupation of the main house and CS Policy CS21 which requires proposals to make a positive contribution to the character of the area within which they are situated. The proposal would also be contrary to Section 12 of the Framework which seeks to achieve well-designed places where developments are sympathetic to local character.

Thames Basin Heaths Special Protection Area (TBH SPA)

13. Even if considered as ancillary the proposal would add an additional bedroom to the main dwelling and the Avoidance Strategy indicates that the scale of the SAMM contribution will be determined in accordance with the number of bedrooms per dwelling. As outlined above the proposal would be a freestanding unit. The appellant stresses that the proposal is for the provision of additional habitable accommodation, for an existing dwelling, but DPD Policy DM9 is clear that separate, freestanding, accommodation will be treated in the same way as a proposal for a new dwelling. The Council have thus completed the Appropriate Assessment Report on this basis.
14. It is also clear that the requirements of CS Policy CS8 (Thames Basin Heaths Special Protection Areas) will apply where relevant. CS Policy CS8 requires appropriate contributions towards Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) to avoid impacts upon the TBH SPA. The wording of the refusal reason is such that the Council cannot determine there would be no significant impact on the TBH SPA without an appropriate contribution being secured.
15. The Council's report states that a contribution of £552.00 would be required to ensure there would be no adverse impact to the TBH SPA and that this should be secured through a S106 Legal Agreement. I have no completed S106 agreement before me as part of this appeal to secure this contribution. I note that the appellant's statement states that there would be no change in overall occupation, however, even if I concurred there would be no impact to the TBH SPA as a result of the proposal the appeal would still have been dismissed on this occasion for the first main issue above.
16. In the absence of a completed S106 agreement any adverse impacts of the proposal would not be sufficiently mitigated. The proposal would be contrary to CS Policy CS8 which requires appropriate contributions as outlined above. The Council have not provided a copy of the Thames Basin Heaths Avoidance Strategy, saved Policy NRM6 of the South East Plan 2009.

Other Matters

17. I note the appellant contends there is divergence between the Framework and DPD Policy DM9, however, I do not find this to be the case. The Local Plan is the starting point for determination in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004. The Local Plan specifically provides for family support situations but this should be within the parameters provided for within the relevant Local Plan policies.
18. Paragraph 62 of the Framework is specifically targeted at delivering a sufficient supply of new homes. That supply should provide for different groups within the community. I do not find this alludes to family support situations needing

to be accommodated and, in any case, the Local Plan does provide for such situations within defined parameters as previously outlined.

19. The appellant's family background and requirement for the proposal are noted, however, the personal requirements of appellants are of limited weight and does not outweigh the issues I have identified above.

Conclusion

20. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR