



Appeal Decision

Site visit made on 25 January 2022

an Inspector appointed by the Secretary of State

Decision date: 31 January 2022

Appeal Ref: APP/A3655/W/21/3282313

90 High Road, Byfleet, WEST BYFLEET, KT14 7QT

- 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 Flow Plumbing Services Ltd against the decision of Woking Borough Council.
 - The application Ref PLAN/2021/0281, dated 9 March 2021, was refused by notice dated 22 July 2021.
 - The development proposed is demolition of existing commercial unit and construction of four 1 bed room flats, commercial unit (use class E), parking and landscaping.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Flow Plumbing Services Ltd against Woking Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. A revised plan (Ref: 20171 P110 D) was submitted with the appeal. This shows Flat 1 with a shower room rather than a bathroom. In all other respects the layout of this unit is unchanged from that previously proposed. This change is minor in nature. I do not consider the interests of any party to be prejudiced if I take the revised plan into account. I shall therefore determine the appeal on the basis of the plans listed on the Council's decision notice, substituting 20171 P110 C with 20171 P110 D.

Main Issues

4. The main issues are:
 - a) Whether the proposal would secure acceptable living conditions for future occupiers, with particular regard to privacy, and
 - b) The effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

5. The Council's reason for refusal refers to the cramped residential accommodation with a specific reference to the proposed studio flat, referred to on the drawings as Flat 1. In its statement the Council refers to the Nationally Described Space Standards (NDSS). However, the planning practice guidance establishes that where a Council wishes to require an internal space standard

they should only do so by reference in their Local Plan to the NDSS¹. There are no details before me to demonstrate that the Council has a local plan policy that refers to the NDSS. As such it is not appropriate for me to make an assessment of the proposal against the NDSS.

6. However, I can make my own assessment of the adequacy of the accommodation proposed for Flat 1, with regard to whether it would provide future occupants with an acceptable living environment. The unit is small, however it is only designed for one person. The drawings show that all the areas would receive good levels of daylight and the layout would provide space for cooking, eating, relaxing and sleeping, and would include built in storage.
7. With regard to privacy, all of the windows would face out over High Road and Beech Close at street level. The two windows at the front would be at the pavement edge. Other openings would be set back from the pavement edge behind an area of landscaping. Whilst I accept that the landscape buffer would give an element of defensible space, its benefit would be limited by its modest depth. Persons using the pavements would have a clear view into all of the windows of this unit. Future occupiers of the unit would feel the effect of this particularly from the two windows at the front, which serve the bedroom and living areas and front onto High Road. Beech Close would be likely to receive less footfall than High Road, however the side facing openings would be close to its junction with High Road.
8. The appellant suggests that only a modest number of people use the local services. However, from the number of businesses in the area, including those within the commercial terraces to either side of the site, it is clear that street activity would be much more significant than it would in an area that was solely residential.
9. In order to mitigate against the impact of such significant overlooking from those passing the site it would be highly likely that future occupiers would resort to the use blinds and curtains. Whilst this would make the dwelling more private it would severely restrict outlook. Effectively forcing future occupants to increase the level of privacy in this way to account for the dwelling's poor design would deprive them of the pleasant outlook over the open space on the other side of the road. Apart from the shower room the impacts of overlooking would be felt across the whole area of Flat 1. There are no alternative openings where future occupiers could enjoy an outlook without feeling overlooked.
10. The access to the first floor flats would be through a door that would be adjacent to the bedroom windows of Flat 2. The bedroom windows would also face directly onto the parking area. The space marked No. 1 on the submitted plans would be very close to these two windows. No landscaping is shown on the plans to separate the spaces from these windows, and there is very little space for such. Furthermore, if three large vehicles were parked in these spaces the small strip of land around the edge would provide the only reasonable access to the upper flats. This would force people to walk close to the bedroom windows.
11. I accept that the two windows serving the living area of Flat 2 would not face directly onto the parking area. However, this unit includes a hallway and bathroom that would not benefit from natural light. Expecting future occupants

¹ Planning Practice Guidance Paragraph: 018 Reference ID: 56-018-20150327

to further restrict natural light through the use of curtains and blinds on the bedroom windows to achieve a reasonable level of privacy would be likely to result in a gloomy living environment across the hall, bathroom and bedroom.

12. The appellant refers to Rosewood Court, which is an existing development on High Road. This development includes some ground level road facing accommodation; however, none would appear to directly front the pavement edge and it is not clear whether these road facing openings are the only openings serving the ground floor units. I am therefore not satisfied that this existing development provides justification for the elements of the proposal that I have found to be inadequate.
13. In summary, the proposal would not secure adequate living conditions for future occupiers owing to the relationship between Flat 1 and the pavement, and the layout of Flat 2 relative to the parking area and access to the first floor flats. It would be contrary to Policy CS21 of the Woking Core Strategy 2012 (WCS) and the National Planning policy Framework, which seek to ensure that development proposals are well designed and create places with a high standard of amenity for future users.

Character and appearance

14. The area has the appearance of a local urban centre. Buildings are generally limited to two storeys and the commercial buildings to which the appeal site most readily relates are mostly terraced. The appeal site is at one end of a row of traditional shops and is adjacent to a detached two storey building. The detached building and the terrace beyond form a well defined street frontage with a consistent scale that is similar in scale to other commercial terraces to the west.
15. The appeal site is a prominent corner site. The existing buildings that occupy the site are at odds with the layout and appearance of these terraces and include a lean-to building that fronts the road with a shopfront. Alongside and to the rear of this various structures have been added and the site is enclosed to the front and side by a tall timber fence. The existing fence and the unplanned appearance of the existing structures do not contribute positively to the character and appearance of the area.
16. The proposal would see the existing buildings replaced with a two storey building that would follow the form and layout of the adjacent building and terrace beyond. The two storey part would be set back behind the front of the neighbouring building to form a slightly narrower west facing gable. Openings would be detailed to match the adjacent buildings and facades would be finished in different colour bricks, which would pick up on local details.
17. The ground level would step out to the front and side of the building's main two storey form. Its outer edge would follow the shape of the site and tie into the front of the existing buildings. It would appear secondary to the primary two storey form of the proposal which would dominate the site and hold a strong relationship with the form and position of existing buildings.
18. The wide rear facing gable would not be as prominent as the elements of the building that would face towards High Road. It would be a similar width to the existing neighbouring building to which the proposal would attach and would be set down a little, reducing its prominence and giving it an additive form.

19. The council suggest that the existing site contributes to the spaciousness of the area in combination with the open space opposite. Although existing structures at the site are all single storey they occupy a large portion of the site and are enclosed behind a tall fence. The existing developed appearance of the site is quite different to the open character of the land opposite. I am thus not satisfied that the existing site contributes to a sense of spaciousness, or that this would be diminished as a result of the proposal.
20. Policy CS10 of the WCS sets out housing distribution across the plan area with an indicative density range. The proposal would exceed the density range suggested for the area, however the Policy states that this is indicative and dependent on the nature of the site. I have already found that the proposal would accord with the character of the area. It would relate well to the density and layout of existing development and would not appear overdeveloped. I am thus satisfied that the proposal would accord with this Policy.
21. In summary, the proposal would not harm the character or appearance of the area. It would accord with Policies CS10 and CS21 of the WCS, the Woking Design SPD 2015 and the Framework, which together seek to ensure that development proposals secure good standards of design that pays regard to existing character and is of an appropriate density.

Other Matters

22. The proposal would deliver new housing in a location with good access to a range of services and facilities. It would offer some improvement to the character and appearance of the area. These matters are however not sufficient to outweigh the deficiencies I have found relating to the living conditions the proposal would provide for its future occupants.
23. The appeal site is within 5km of the Thames Basin Heaths Special Protection Area. The addition of residential dwellings within this area would be likely to have a significant effect on the internationally important interests and features of this site. This matter forms the basis of the Council's second refusal reason. The appellant has prepared a Unilateral Undertaking to secure financial contributions towards mitigation measures. However, as I am dismissing the appeal for other reasons, the likely significant effect will not occur in any event, and this matter does not therefore need to be considered further.

Conclusion

24. In conclusion, the proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR