



Appeal Decision

Site visit made on 3 March 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th March 2022

Appeal Ref: APP/A3655/W/21/3281510 Heathlands, The Ridge, Woking, GU22 7EE

- 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 Ms Natasha Foster against the decision of Woking Borough Council.
 - The application Ref PLAN/2021/0533, dated 26 April 2021, was refused by notice dated 5 August 2021.
 - The development proposed is the erection of a two-storey four-bedroom dwelling with associated garage and hard and soft landscaping to replace existing four-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The parties have referred me to the provisions of Policy DM10 of a DPD¹ entitled '*Development on Garden Land*'. It strikes me, however, that the thrust of that policy is directed to the subdivision of existing housing plots. In this case, however, the appellant does not propose the subdivision of a plot, but the replacement of the dwelling standing upon it by another.
3. I have not been referred to a specific policy which opposes the principle of replacement dwellings, or provides guidance and criteria for dealing with such proposals. Thus, of the development plan policies referred to, I consider policy CS21 of the Woking Core Strategy (CS) to be the most relevant to my considerations.
4. During the course of my site visit I assessed the proposal from the grounds of the three properties considered by the Council to be most affected by the proposals, that is, the dwellings known as Kenwood, Maybury Villa and Firlands House.

Main issues

5. The main issues are the effect of the proposed development on: (a) the character and appearance of the surrounding area, and (b) the living conditions of the occupants of nearby dwellings.

¹ Woking Development Management Policies DPD (2016)

Reasons

Character and appearance

6. The Ridge, along with Lytton Road, are set out in almost circular form, with housing development set along both frontages. Both parties refer to the term 'Arcadian', and its' derivation, in terms of describing the character of the area, and I note the comments made by a fellow Inspector in this respect when conducting a recent appeal² affecting another property in The Ridge.
7. The area exudes distinct sylvan qualities, within which is found a host of building types, which I would describe as eclectic. These range from modest bungalows to large villas, since sub-divided into flats. Accordingly, there is no single building or house type that is characteristic of the area, which I would generally describe as a residential area of high quality with generous landscaping.
8. The appeal site is unusual in that it does not front either The Ridge or Lytton Road. Instead, it occupies a substantial plot in the centre of the circle formed by those two roads, sharing its' boundaries with those of the rear gardens of many properties. It is accessed along a private drive. A chalet bungalow currently occupies the site. The replacement dwelling would occupy virtually the same spot, although the footprint would be larger.
9. The new dwelling would be of an unashamedly contemporary design, with its' angularity, shape, patterns of fenestration and external materials contrasting sharply, not only with the chalet bungalow to be replaced, but with that of surrounding development. But this, in itself, does not render it objectionable since, in my view, the inherent quality of the design surpasses that of several of the extant properties in the locality.
10. The Council and most local residents are antipathetic to a modern design in this spatial context, and would possibly prefer more a more 'traditional' approach. But in my judgment, whilst respecting this preference, the proposed development would introduce an acceptable design variation into a locality already displaying an eclectic range of buildings. It would add visual interest in the area, and enhance the quality of the architecture currently on display.
11. I therefore conclude that the proposal would sit acceptably in its visual context without harming the character and appearance of its surroundings. Accordingly, no conflict arises with those provisions of CS policy C21 directed to ensuring that new development should be attractive and make a positive contribution to the character of the area in which it is situated.

Living Conditions

12. During the course of my visit, I walked the boundaries of the appeal site where it adjoined those of other properties. As a result, I share the Council's view that the residents of Kenwood, Maybury Villa and Firlands House, by reason of their proximity and orientation to the appeal site, are the most susceptible to any ill-effects of the proposal.

² APP/A3655/D/19/3236822

13. The appellant acknowledges that the new dwelling's footprint would increase in comparison with the existing, and that the gross internal floorspace will be increased, substantially so in my view. As a consequence, in order to accommodate the increased floorspace in a structure of a wholly different shape, the new dwelling would be of a greater mass and bulk than that replaced, irrespective of its detailed design.
14. The appellant produced computer generated illustrations of the predicted impacts of the proposals of the closest properties, including the three considered by the Council to be most at risk. The Council questioned the accuracy of the illustrations, which is the main reason why I visited the properties, so as to assess the potential effects at close quarters.
15. Whilst the appellant suggests that it is not the role of the planning system to protect private views as such, the effects of development proposals on the living conditions of nearby residents is a material consideration, indeed, it is a requirement of local and national policy.
16. The appellant refers to aspects of the Council's two SPDs³ in support of her contention that the amenities of nearby residents would not be harmed. She also considers that the Council did not take sufficient account of existing screening provided by trees or of the role of future landscaping.
17. My visit took place at a time of year when re-foliation had not taken place, and I can well envisage that during the summer months some additional screening would be afforded in addition to that provided by the evergreens which are in evidence locally.
18. On the issue of privacy, I accept that any loss of privacy suffered by nearby residents would be minimal, and could be mitigated by the use of obscured glazing and, in time, effective planting. Indeed, the residents of Kenwood would benefit in this regard, in that they would no longer be directly overlooked by two of the dormer windows of the existing property.
19. Judging from the condition of their gardens, even at the close of winter, the residents of the three most affected properties value this amenity as an extension of their homes, understandably so. It is not disputed that the proposed development would be in close proximity to the gardens concerned. I note the appellant's comments as to Firlands House, in the context of screening, but that part of the garden closest to the proposed replacement dwelling, is relatively unscreened. It also happens to be possibly the most productive part of the garden, and it is evident on the ground that residents spend much time there.
20. From the three gardens concerned the new dwelling, with particular reference to its siting, shape, mass and bulk would be perceived as a wholly dominating structure. It would not only materially affect the quality of the outlook from the gardens concerned but also appear overbearing and intrusive in its impact, so that neighbouring residents would feel increasingly hemmed-in and oppressed if this proposal were built. The scheme would thus have an

³ Woking's Outlook, Amenity, Privacy and Daylight (2019) SPD and Woking's Outlook, Amenity, Privacy and Daylight SPD (2008)

unacceptable, detrimental effect on the residents' reasonable enjoyment of their properties.

21. I conclude that the proposal would materially harm the amenities currently enjoyed by those residents closest to the appeal site. Accordingly, a clear conflict arises with those provisions of CS policy CS21 in that the development would fail to achieve a satisfactory relationship to adjoining properties in terms of outlook, and its overbearing effect due to its bulk and proximity.

Other matters

22. All other matters referred to in the representations have been taken into consideration, including the appellant's references to the planning history, which includes a permission to extend the existing property, and to other appeal decisions considered relevant for different reasons. I have given the appeal decisions limited weight not least since most refer to proposals some distance away from the site, where circumstances may be different. Accordingly, I have determined the appeal on its specific merits, as required.
23. The various references to the National Planning Policy Framework have also been taken into consideration, as have the representations made by local residents', but no other matter raised is of such strength or significance as to outweigh the considerations that led me to my overall conclusions set out below.

Planning Balance and Overall Conclusions

24. I find for the appellant on the first main issue, in respect of the effect on the character and appearance of the locality. However, on the second main issue, I find that the development would have a harmful effect on local residents' living conditions, contrary to the provisions of local policy. This is sufficient reason to dismiss the appeal.

G Powys Jones

INSPECTOR