



Appeal Decision

Site visit made on 10 January 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/A3655/W/22/3300723

Orchard Cottage, Bracken Close, Woking GU22 7HD

- 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 Kumar against the decision of Woking Borough Council.
 - The application PLAN/2021/1081, dated 5 October 2021, was refused by notice dated 17 December 2021.
 - The development proposed is construction of two self-build detached dwellings with detached garages and associated amenity following the demolition of the existing dwelling, garage and outbuilding.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (i) the character and appearance of the area; and (ii) the living conditions of future occupiers with regard to privacy and provision of private amenity space.

Reasons

Character and Appearance

3. The site comprises a residential property in a sizeable plot in Bracken Close. The street is made up of large, detached dwellings varying in design and sited in generous plots, largely located a similar distance from the road. The appeal property is set much further back from the street, with a long front garden.
4. The proposal would divide the site in two, replacing the property with two detached dwellings, located one behind the other. The Plot 1 dwelling would be in a similar position to the current property while the Plot 2 dwelling would be introduced to the front of the site, aligning with other development on the street. Nevertheless, even acknowledging that the current site layout differs from the remainder of Bracken Close, the combined placement of the two dwellings in such a linear fashion would be uncharacteristic within the street.
5. In contrast to other dwellings on Bracken Close, most of the garden space would be provided to the front of Plot 1, wrapping around the dwelling with limited space to the rear. This reflects the current situation at the site. However, the fact that the front boundary of this garden would adjoin the rear outdoor space of another dwelling, rather than fronting onto Bracken Close, would be out of place in the immediate setting.

6. The proposal would also result in two sites of notably smaller dimensions than others on Bracken Close. While smaller gardens may be present in the wider area, compared to immediately surrounding properties on the street the limited amenity spaces would be contrary to the prevailing pattern of development. The placement of the proposed dwellings within these reduced plots and gardens would appear as cramped in the surrounding context.
7. A garage would be provided to the front of the site, behind a boundary wall and railings. While screened from the neighbouring approved dwelling, views of it would remain from Bracken Close. Other front garages are present in the street. However, due to its placement this garage would partially screen the front elevation of the Plot 2 property, reading as an awkward feature and further contributing to the feeling of a cramped layout at the site. In addition, the front boundary wall and railings would appear dominant and out of place. Even with a grass verge and front landscaping, they would remain an incongruous feature among the consistent boundary hedging along the street.
8. The height of the proposed dwellings and external materials to be used in their construction would reflect the character of the locality. In addition, while upper floor accommodation would be facilitated by a crown roof and dormer windows, given the variety of dwelling styles within the street, this roof form alone would not result in undue harm to the character and appearance of the area.
9. Nevertheless, for the reasons given I find that overall the proposal would have an adverse effect on the character and appearance of the surrounding area. As such, it would fail to comply with Policy CS21 of the Woking Core Strategy October 2012 (the CS) and Policy DM10 of the Development Management Policies Development Plan Document October 2016 insofar as they seek to ensure good design and that development on garden land does not result in harm to the character and appearance of an area.

Living Conditions

10. The Outlook, Amenity, Privacy and Daylight SPD (the SPD) recommends minimum separation distances for privacy. In situations where a front elevation faces the boundary with another property, the SPD suggests a distance of 15m for properties of three storeys and over. This includes dwellings with second floor dormer windows such as the proposal.
11. The distance between the properties would not meet that set out in the SPD. Due to the positioning of the dwellings, upper floor front windows at Plot 1 would provide direct views of the rear habitable room windows and amenity space of Plot 2. While the separation distance is not significantly below that recommended, which in any event represents guidance rather than policy, combined with the arrangement of the properties it would nevertheless result in undue overlooking of the dwelling and garden of Plot 2. This would unduly impact future residents' enjoyment of these spaces. On the information provided and my observations on site I am not satisfied that boundary planting would alleviate such overlooking.
12. With regard to the size of the proposed amenity spaces, these would be greater than the footprints of the dwellings and, although smaller than the internal floorspace, the shortfall is not significant. As such, they would be approximate with the dwellings' floorspace. The SPD advises that heavily treed areas will have little private amenity value. Although trees to the rear of Plot 1

would overhang the rear garden, ample amenity space would remain elsewhere at that property which would not be heavily treed.

13. Both gardens would comfortably accommodate the range of uses reasonably expected of these spaces such as sitting out, hanging out washing, storage and the placing of residential paraphernalia. As such, the occupiers' enjoyment and use of the spaces would not be unduly impacted. While much of the amenity space for Plot 1 would be to front of the dwelling, from a living conditions perspective it would remain a private, useable space.
14. For the reasons given above, the proposal would not have a significant adverse effect on the living conditions of future occupiers with regard to the provision of external amenity space, but would have a significant effect on the living conditions of occupiers of Plot 2 with regard to privacy. As such, it would fail to comply with Policy CS21 of the CS and the SPD, insofar as they seek to avoid harm to general amenity.

Other Matters

15. The application site lies within 5km of the Thames Basin Heaths Special Protection Area (SPA). However, there is no need for me to consider the implications upon the SPA in this case as the proposal is unacceptable for other reasons, as referred to above.
16. The Council has found the proposal acceptable with regard to highway safety, access, parking provision, internal space provision, outlook for future residents and the living conditions of surrounding dwellings on Bracken Close outside of the site. These elements are examples of a lack of harm, which is neutral in the planning balance.
17. While the position of the dwelling at Plot 1 intends to avoid the root protection areas of surrounding trees, it remains that the proposal would result in harm in respect of the main issues. Similarly, the poor condition of the current dwelling on site does not in itself provide a reason to approve development that would otherwise result in harm in respect of these main issues.

Conclusion

18. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations worthy of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan. The appeal should therefore be dismissed.

C Rafferty

INSPECTOR