



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: 28 February 2023

Appeal Ref: APP/A3655/W/22/3299385

51 Waldens Park Road, Horsell, Woking GU21 4RW

- 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 Naran Shankla against the decision of Woking Borough Council.
 - The application Ref PLAN/2021/1286, dated 2 December 2021, was refused by notice dated 28 January 2022.
 - The development proposed is the erection of a single storey dwelling with accommodation in the roof space and vehicular access from Bury Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted arboricultural information with the appeal, which the Council has had the opportunity to comment on. I am satisfied there is no risk of prejudice if I take this into account and have determined the appeal on this basis.
3. I have taken the description of development from the appeal form and decision notice, which is more accurate than that in the application form.

Main Issues

4. The main issues are the effect of the proposal on: (i) the character and appearance of the surrounding area, including whether the proposal would preserve or enhance the character or appearance of the conservation area; (ii) highway safety; and (iii) trees.

Reasons

Conservation Area

5. The site is a two storey detached dwelling at the junction of Waldens Park Road and Bury Lane in, and close to the boundary of, the Horsell Conservation Area (the CA). This section of the CA is defined by traditional style two storey dwellings set in spacious plots. The site has a slightly reduced depth but remains a generously proportioned plot. Even acknowledging its proximity to the side garden of Little Oak, in addition to the spaciousness and consistency in the pattern, character and sequence of development in the CA, the site, including the rear garden element, contributes positively to the area.
6. The proposal would result in the subdivision of the site, creating a separate modest plot to the rear in which a single storey dwelling with accommodation

in the roof would be erected. This would front onto Bury Lane, where certain dwellings are smaller in scale and in tighter plots and would not be visible from Waldens Park Road. Nevertheless, the proposal would form part of the CA, within the immediate section of which it would be an out of place feature.

7. The proposal would result in a plot of uncharacteristically confined dimensions that would fail to reflect those in the vicinity of the CA. Even acknowledging that the subdivided sites may not be widely visible from the public realm, the proposal would nevertheless fail to reflect the pattern of built form in this part of the CA. The dwelling would have limited setback from the boundaries and a constrained rear patio that would be incongruous among the spacious plots and gardens of the CA. As a single storey dwelling with accommodation in the roof, it would fail to respond to surrounding two storey development, such that it would be a cramped and contrived addition.
8. The proposal would also reduce the dimensions of the rear garden at No. 51 Waldens Park Road, further distinguishing it from neighbouring development. Overall, the proposal would be an awkward and jarring addition that would interrupt the defining spaciousness of the surrounds due to the size of its own plot and No. 51, harmfully detracting from the traditional layout of the area.
9. Planning permission has been granted at the site for a garage outbuilding of the same dimensions and a similar design as the proposal. The difference in the visual impact between the built form of the proposal and this approved garage from Bury Lane may be limited, with the proposal incorporating a more fitting form of fenestration for the area than the approved garage.
10. However, the erection of a garage outbuilding would not result in a separate dwelling. This would be incidental and ancillary to No. 51 and would not subdivide the site to form a separate unit of accommodation in a cramped plot. It is this element of the proposal that would cause harm and fail to be reflective of the pattern of dwellings in this part of the CA. While the appellant has speculated that the change the use of the approved garage to accommodation or other elements under a minor amendment application could be granted, there is no guarantee that this would be the case. For the purposes of the proposal's impact on the character and appearance of the CA, this fallback position therefore carries limited weight.
11. For these reasons, the proposal would cause visual harm to the site and the contribution it makes to the surrounding character and appearance. As such, it would neither preserve nor enhance the character or appearance of the CA. Its effect would be localised at the edge of the CA, across from properties and plots of a more varied scale. As such, it would equate to 'less than substantial' harm. Nevertheless, the Framework is clear that great weight should be given to the conservation of heritage assets.
12. Paragraph 202 of the Framework specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against public benefits of the proposal. The proposal would result in an additional one bedroom dwelling, providing housing choice within the area. However, due to its single dwelling nature this benefit would be limited. Overall therefore, no public benefits have been put forward which would outweigh the harm identified above.

13. For the reasons given above the development would cause harm to the character and appearance of the surrounding area, and would fail to preserve or enhance the character or appearance of the CA. As such, it would fail to accord with Policies CS20, CS21 and CS24 of the Woking Local Development Document Woking Core Strategy October 2012 (the Core Strategy) and Policies DM10 and DM20 of the Woking Local Development Documents Development Management Policies Development Plan Document October 2016 (the DPD) insofar as they seek to ensure that development, including on garden land, respects and conserves existing character and makes a positive contribution to the distinctiveness and significance of the historic environment.

Highway Safety

14. Access to the proposal would be created along Bury Lane, where space for the parking of one vehicle would be provided parallel to the road. The immediate section of Bury Lane is narrow, with bends to the north-east and south-west of the proposed access, and the junction with Ormonde Road nearby.
15. The proposal would introduce vehicular movements to and from this section of the road. While no information on visibility splays has been submitted, due to the road layout driver visibility of oncoming traffic would be limited when entering Bury Lane from the proposed parking space in forward or reverse gear. Given the level of trips likely to be associated with the introduction of a dwelling, the proposal would therefore result in frequent vehicle movements and manoeuvring at a complicated section of the highway, close to other junctions and with little visibility. As such, it would undermine the safe and efficient operation of the highway network in the immediate vicinity.
16. The vehicular access to the approved garage is in the same location as that proposed. While the proposal would have parking parallel to Bury Lane, access and egress to and from the approved garage would be taken perpendicular to the highway. This would require additional manoeuvring than the proposal and, due to the limited driveway, would likely result in cars waiting temporarily on Bury Lane.
17. However, the nature of the two schemes is different. The proposal would introduce all vehicular movements associated with a residential dwelling in this location while the approved garage would generate less trips at this section of the highway. The garage would not represent the only parking space at No. 51, such that a level of vehicle movements would remain to the front of the dwelling. Although the appellant states that all parking would be relocated to the approved garage, there is no guarantee that this would be the case. As such, this fallback position does not in itself justify the proposal's likely effect on highway safety which, due to the number of movements, would be greater.
18. For the reasons given, the development would cause harm to highway safety. As such, it would fail to comply with Policy CS18 of the Core Strategy and Policy DM10 of the DPD insofar as they seek to ensure that development, including on garden land, has an appropriate means of access and does not undermine highway safety.

Trees

19. A number of trees are located within the immediate area, which contribute positively to the character and appearance of the CA. This is particularly the

case for those fronting Waldens Park Road, which lend a verdant feel to this section of the CA, complementing the spacious pattern of development.

20. The appeal has been accompanied by arboricultural information that lists the trees in the vicinity of the site, identifying the root protection areas and retention classifications for each. It concludes that, as a result of the proposal, some Category C trees would be pruned and 1 Category B tree would be removed.
21. The amenity value of these trees is reduced by their backland position. They are to the rear of the site at the edge of the CA and are not prominent beyond their immediate locality. As such, their contribution to the overall character and appearance of the CA is limited. The proposed pruning of the identified Category C trees would not therefore result in significant harm.
22. The tree to be removed makes a similarly limited contribution to surrounding amenity and has already been subject to previous works to manage its growth. Although no mitigation tree planting would be undertaken, new landscaping is nevertheless proposed on the southern boundary. In this context, the loss of this tree in association with the proposal would not cause significant visual harm. In addition, the proposed dwelling would occupy the same footprint as the approved garage. Notwithstanding the different nature of the two schemes, their effects in this regard would be the same such that there is a real prospect that even without the proposal this tree would be removed, subject to further required consents.
23. With regard to those trees to be retained at site, the arboricultural information recommends measures such as fencing and low invasive installation of the hard surfacing, to ensure that such trees are adequately protected. Based on the plans submitted and the position of the proposal relative to the retained trees, I do not consider that undue pressure for further pruning or removal would be likely which, in any event, would require further consent due to being in the CA. In addition, the tree which fronts Waldens Park Road has not been identified for pruning or removal as part of the proposal, such that its positive contribution to the CA would remain.
24. For the reasons given, the proposal would not materially harm trees of special amenity value and their contribution to the character and appearance of the CA. As such, it would not conflict with Policies CS21 and CS24 of the Core Strategy and Policy DM2 of the DPD insofar as they seek to protect and retain trees of amenity value and to ensure that the removal of trees is justified, with any trees to be retained being adequately protected.

Other Matters

25. The appeal site falls within 5km of the Thames Basin Heaths Special Protection Area (the SPA) boundary. 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.
26. The appellant makes reference to the fact that an outbuilding and hardstanding could be developed at the site under permitted development rights. While this is acknowledged, on the information submitted there is no greater than a theoretical possibility that this would occur. Accordingly, I attached limited weight to this fallback position.

Conclusion

27. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR