



Appeal Decisions

Site visit made on 21 February 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2023

Appeal A Ref: APP/A3655/W/22/3297063

Grosvenor Court, Hipley Street, Old Woking, Woking GU22 9LL

- 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 Prockter of Tantalus Homes against the decision of Woking Borough Council.
 - The application Ref PLAN/2021/1370, dated 17 December 2021, was refused by notice dated 25 March 2022.
 - The development proposed is erection of four storey building containing x24 apartments with car parking, cycle stores, landscaping and associated works.
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Appeal B Ref: APP/A3655/W/21/3289205

Grosvenor Court, Hipley Street, Old Woking, Woking GU22 9LL

- 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 Prockter of Tantalus Homes against the decision of Woking Borough Council.
 - The application Ref PLAN/2021/0125 dated 2 February 2021, was refused by notice dated 8 July 2021.
 - The development proposed is erection of 25 apartments, plus car parking, landscaping and associated works.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Since the time of the Council's decision on Appeal B, the 'Outlook, Amenity, Privacy and Daylight' Supplementary Planning Document 2022 has been adopted. This replaces the 2008 version of the document. I have had regard to the currently adopted version of the document in reaching my decision.
4. The appellant has submitted two Unilateral Undertakings (UU's) under section 106 of the Town and Country Planning Act 1990, relating to Appeal A and Appeal B separately and dated 6th July 2022 and 25th May 2022. I have had regard to these documents.
5. The Council's decision notices for both Appeal A and Appeal B include a reason for refusal relating to the effect of the proposals on the Thames Basin Special Protection Area (SPA). The Council state that the above mentioned UU's are sufficient to address this issue. As this is not a matter in dispute, I have dealt with this issue in Other Matters, rather than as a Main Issue.

Main Issues

6. The main issues for both appeals are:

- The effect of the proposed development on the character and appearance of the area, and the acceptability of its design quality, and;
- Whether the proposals would provide an acceptable standard of living conditions for future occupants, with particular regard to the provision of outdoor space for family units.

Reasons

Character, Appearance and Design

7. The site lies centrally among a group of residential blocks. These include Prospect House to the north, as well as Grosvenor Court and Westminster Court to the west and south, which were formerly office buildings, now converted to residential units. Together these buildings are varied in their height and design and are set among areas of soft landscaping and parking. Prospect House and Grosvenor Court are accessed via Hipley Street and set substantially behind the main building line.
8. The character of Hipley Street is visually distinct from that of the residential blocks. It is characterised predominately by modest two storey houses of traditional appearance which follow a consistent building line close to the edge of the street. The appeal site is located directly behind the Nittan building, which is commercial in its use. Despite its utilitarian appearance, the Nittan building sits comfortably within the residential street scene due to its scale and simple elevational treatment. It includes a series of pitched roofs as well as two storey and single storey elements with flat roofs, which allow views from Hipley Street towards Grosvenor Court and Prospect House beyond.
9. The Design Supplementary Planning Document (SPD) 2015 defines tall buildings as those which are significantly taller than those which surround them. Those buildings which are closest to the appeal site vary between a maximum of two and four storeys. Based on figures provided by the appellant, maximum heights of the surrounding buildings (excluding plant) vary between 8.7m at the Nittan Building to 14.1m at Grosvenor Court. As such, neither Appeal A nor Appeal B would be significantly taller than those buildings which surround them and I do not find either proposal to constitute a tall building for the purposes of the Design SPD. Despite this, in order to comply with the relevant development plan policies, the proposals should still be attractive and respect the character of the area and townscape.
10. In the case of Appeal A, the chamfered edges of the roof level and the use of a different facing material do little to breakup the overall height and massing of the building, particularly given the continuation of the pattern of glazing and balconies into the top floor. As a result of its height and bulk, the proposed building would appear taller, and have more bulk at its upper level, than the surrounding buildings.
11. Despite this, views of the front of the building and its flank ends would be limited predominately to views from Priors Croft and private view points from the neighbouring developments and parking areas. In those views, the proposal would be seen as part of the cluster of residential blocks, which do

- vary in their height and massing. Given its relationship to those other blocks, the bulk and massing of the proposal would not cause harm in those views.
12. However, the effects of Appeal A on the character of Hipley Street would be more significant. As described above, building heights here are lower, and the proposal would be positioned close to the rear elevation of the Nittan Building. The appellant has provided a study titled 'Accurate Visual Presentations' (the AVP) which assesses the effects of the development on three views, of which two are taken from Hipley Street. The AVP demonstrates, particularly in viewpoint 1, that a significant extent of the rear elevation of the proposed building would be exposed and visually prominent when viewed from Hipley Street.
 13. Due to the combination of its height, bulk, proximity to the boundary, together with its width across the back of much of the Nissan building, the proposal would appear in stark contrast to the established character of Hipley Street and would appear cramped and relate poorly to the Nittan Building. In turn, it would fail to integrate with, or preserve those attributes of Hipley Street that contribute positively to its character. The AVP demonstrates that the positioning and height of the lift overrun would also be visually prominent and further accentuate the awkward juxtaposition with the Nittan building.
 14. While the area of the appeal site may not be specifically described within the local Character Study document, I do not consider that this implies that the area lacks character, nor provides justification for the harm which would arise.
 15. In terms of its detailed design, the proposal of Appeal A would undoubtedly have a different appearance to the residential blocks nearest to it, for example arising from its elements of vertical emphasis, high proportion of glazing and abundance of balustrades to the front elevation. However, given its orientation, facing into the group of residential blocks, and the variation in the design of the neighbouring buildings, I do not find its design and detailing would cause visual harm. Notwithstanding the concerns for its effects on Hipley Street, subject to appropriate detailing and materials, the design of the building could provide visual interest and enhance the character of that group of buildings.
 16. In terms of Appeal B, my conclusions are similar. The treatment of the top floor has the appearance of a full storey due to its elevations being largely flush with the elevations below and the continuation of the fenestration details and extensive glazing into the roof level. Similarly, this would not cause harm in views from within the internal courtyard and parking area in front of the site nor in views from Priors Croft, where it would be seen in the context of the other residential blocks which surround it.
 17. However, the height and bulk of the development, together with its proximity to the Nittan building, would result in visual harm to the character of Hipley Street, where the building would appear visually prominent and relate poorly to the lower, and simple forms, of the Nittan building. In addition, Appeal B would include a brick element to its rear elevation incorporating the stair and lift core which would rise further above the main roofline and add further to the prominence and scale of the rear elevation in views from Hipley Street, as evidenced in viewpoint 1 of the appellant's AVR for Appeal B.
 18. While there is not evidence relating to the effects of Appeal A and Appeal B on longer views, based on the findings of my site visit, the negative effects of the

proposals are likely to be perceivable in longer views from the southern end of Hipley Street, as well as from the northern side of Hipley Street in views over the lower level elements of the Nittan building.

19. Appeal B encompasses a more simple design approach, which more closely respects the simple elevational treatments of the surrounding buildings, including the former office buildings. Similarly, despite its notable differences to other buildings in its context, given the varied design of the nearest residential blocks, I do not find that the design approach would cause harm to the character of the area.
20. The Council have also raised concerns for the effects of both proposals on the access into the development, which would be shared with Grosvenor Court. The proposed buildings would be narrowest at their most southern point and stepped back from the southern flank end of the Nittan building. When experienced in combination with the set back of the buildings of Westminster Court from the access, I do not find that the site entrance would appear unduly oppressive as a result of the proposals.
21. I note that there are other examples of four storey buildings, and buildings of comparable width, close to the site, including Prospect House and Westminster Court. However, the circumstances of those buildings and their settings are different to the appeal schemes and overall their effects are not similar to, nor provide justification for the effects of the appeal schemes.
22. I also observed the former Ian Allan Motors site (now Hale End Court) further to the south west. This includes a building of four full storeys, albeit with different elevational treatment at the top floor, and directly adjoins the edge of Priors Croft. However, similarly that building benefits from a different relationship to the surrounding buildings and has a greater distance of separation to the nearest two storey buildings. It does not present similar effects on the townscape to the appeal schemes.
23. For the reasons given relating to effects of the scale and massing on the townscape of Hipley Street, both Appeal A and Appeal B would cause harm to the character and appearance of the area. In this respect they would conflict with policies CS21 and CS24 of the Woking Core Strategy 2012 (the CS) and the aims of the Design SPD, which together require developments to respect and make a positive contribution to the street scene and the character of the area in which they are situated. They would also conflict with the objectives of the National Planning Policy Framework (the Framework) relating to design, in particular at paragraph 130 which requires, among other things, that developments are sympathetic to local character, including the surrounding built environment.

Living Conditions of Future Occupiers

24. Policy CS21 of the CS requires, among other things, that developments provide appropriate levels of private and public amenity space. The 'Outlook, Amenity, Privacy and Daylight' SPD 2022 (the OAPD SPD), sets out how the Council consider these matters, and includes a section specifically relating to family accommodation.
25. The OAPD SPD describes that family accommodation will include all flats and duplex apartments with two bedrooms or more, and exceeding 61sqm gross

floor space. This would therefore relate to a number of the proposed units falling within both Appeal A and Appeal B. The OAPD SPD goes on to describe the need for all family accommodation to have suitable private amenity space, and describes the attributes that those spaces should include and where communal amenity space may be appropriate. Appendix 1 of the document contains dimensions for outdoor space, but is clear that they are recommended and advisory only.

26. In the case of Appeal A, 14 units would be considered as family accommodation for the purposes of the OAPD SPD. Of these, most would be served by balconies of approximately 5.5sqm, with the exception of two ground level units with larger outdoor terraces. The balconies would be positioned on the west facing elevation, and due to their distance from the nearest building, they would benefit from adequate sunlight and outlook.
27. Those balconies would not, however, be of a size that they could accommodate the recreational needs of a family. They would be likely to accommodate space for some drying of clothes, a small seating area and/or planting, but could not provide these in combination with space for children to play, or children's play equipment.
28. A designated amenity area is proposed to the northern side of the site, between the buildings of Prospect House and Grosvenor Court, and this would accommodate seating and play equipment set among soft landscaping and confined by metal railings. However, users of the space would be required to cross the car park where there would be no designated pedestrian route or safe link to the flats, and the extent of sunlight received by that area would be likely to be limited, due to its position directly to the north of Grosvenor Court. In combination, these factors lead me to conclude that the proposed shared amenity area would be unattractive for future occupiers, particularly those families with children.
29. Furthermore, the shared amenity space would be positioned directly outside the private amenity areas of some flats in Grosvenor Court, on the northern side of the building. The use of the proposed shared space would be likely to compromise the enjoyment of those private outdoor spaces.
30. Other areas of soft landscaping are proposed in front of the new building. However, these are limited in their width and their use by future occupants would be likely to cause direct overlooking of the ground floor units. As such, these areas are unlikely to provide suitable areas for use by families.
31. While the proposed units have acceptable internal floor areas, this would not mitigate for the lack of suitable outdoor space for those family units. Some larger recreational spaces exist further from the site, of which the nearest is approximately 288 metres from the appeal site. While families would be likely to use this space, it would not compensate for the absence of more easily accessible, or convenient outdoor space.
32. In the case of Appeal B, six of the proposed units would be family accommodation as defined by the OAPD SPD. Of those, five would be served by balconies of approximately 17sqm and one served by a larger ground floor terrace. These spaces would extend across the full width of the units and have a depth which would allow them to accommodate a greater extent of

paraphernalia as required by future occupants, as well as circulation space for occupants to move around those spaces.

33. While the balconies and terraces serving the family accommodation in Appeal B still fall short of the dimensions set out in the AOPD SPD, considering the size of the units they would serve, together with their proportions and the ways in which those spaces could be used, I find them to be acceptable. As such, the family accommodation in Appeal B would benefit from an acceptable standard of accommodation.
34. In the case of Appeal A and Appeal B, the Council have raised concern for the size of the amenity spaces for the other smaller units, which would similarly fall short of the SPD figures. However, the dimensions of those balconies, together with their orientation and outlook, would be sufficient to serve those smaller units.
35. In conclusion on this main issue, Appeal A would fail to provide suitable amenity spaces for the proposed family accommodation. Consequently, Appeal A would conflict with Policy CS21 of the CS and the OAPD SPD insofar as they require development to provide appropriate levels of private and public amenity space. Appeal A would also conflict with the Framework insofar as it seeks to ensure healthy living conditions.
36. Insofar as this main issue is concerned, Appeal B would comply with the above mentioned policy, guidance, and the Framework.

Other Matters

37. The appeal site lies within the 400m to 5km buffer of the Thames Basin Heaths SPA which is afforded protection under the Conservation of Habitats and Species Regulations. The UU's which accompany both Appeal A and Appeal B would secure financial contributions to the provision of Strategic Access Management and Monitoring (SAMM), as mitigation for the effects of the proposals on the SPA. However, as the appeals are being dismissed on other grounds, in line with paragraph 63(1) of the Regulations, it is not necessary for me to consider the development within the framework of an Appropriate Assessment. As such, this is not a matter which I need to consider further.
38. On the basis of the evidence before me, I understand that the appellant has demonstrated to the Council's satisfaction that neither scheme could deliver a contribution towards affordable housing, and this matter is not in dispute. Based on the evidence I have no reason to reach a different conclusion.
39. The Council has raised concerns regarding the lack of a mechanism to secure an affordable housing review at a later stage, which was referred to in its officer reports. While the Affordable Housing Review SPD 2014 refers to the use of an overage clause if affordable housing cannot be provided, the Framework is clear that an SPD is not part of the development plan and Planning Practice Guidance states that it is plans which should set out circumstances where review mechanisms may be appropriate. On the basis of the information in the evidence before me, I do not find conflict with the development plan through the absence of a review mechanism.

40. The appellant has drawn my attention to the extant planning permission for an office building on the site¹ which is stated to be 14.1m in height. However I do not have further details of this building or how it would relate to the character of the area. As such I am unable to carry out a comparison to the appeal scheme or to afford this more than little weight as a fall back position.
41. The harms identified above are, in the case of Appeal A, harm to the character and appearance of the area and harm to the living conditions of future occupiers, and in the case of Appeal B, harm to the character and appearance of the area. These harms would be substantial and long lasting, and would be in conflict with the Framework.
42. The Council have a housing land supply which far exceeds 5 years. As such, the provisions of paragraph 11d) of the Framework are not triggered. However, the proposals would, nonetheless, contribute to the national objective to boost the supply of homes. These new homes would be in a built up area on brownfield land, which has clearly been redundant for some time, and would be in a location with good accessibility to services and facilities including public transport. The proposals would provide outdoor amenity space to all non-family units, and there would also be the opportunity for new landscaping to the site. These are undoubtedly benefits of both the appeal schemes. However, taken together they would not outweigh the harms I have found.
43. While the proposal would be policy compliant in other regards, such as density, housing mix and effects on neighbouring occupiers, these are neutral matters and do not weigh in favour of the proposals.
44. I appreciate that the proposals for the site have been amended following earlier submissions and discussions with the Council, and that the process has been long and drawn out for the appellant. However this does not alter my judgement on the issues above.

Conclusion

45. For the reasons given, there are not material considerations, including the approach of the Framework, that are worthy of sufficient weight that would indicate a decision other than in accordance with the development plan.
46. Appeal A and Appeal B are therefore dismissed.

C Shearing

INSPECTOR

¹ Woking Borough Council ref PLAN/2001/0485