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# Appeal Decision

Site visit made on 8 June 2023

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 3 October 2023

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**Appeal Ref: APP/A3655/W/22/3311954**

**Little Oslo Heathside Road, Woking, GU22 7HE**

- 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 N Khan against the decision of Woking Borough Council.
  - The application Ref PLAN/2021/1141, dated 20 October 2021, was refused by notice dated 9 August 2022
  - The development proposed is the construction of two and a half storey dwelling with associated parking and amenity following demolition of existing dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Subsequent to the submission of the planning application, the appellant submitted several revised drawings to the Council which reduced the footprint, gross internal area and height of the proposed dwelling. However, it is common ground between the parties that the Council's Officer Report and Decision Notice are based solely on the originally submitted drawings rather the revised drawings. The revised drawings would represent a significant change to the proposal and there is no evidence that they have been subject to consultation. If I were to determine the appeal on the basis of the revised drawings, it is possible that the interests of parties who might wish to comment would be prejudiced. Accordingly, I have considered this appeal on the basis of the original drawings.

## Main Issues

3. The main issues are:
  - the effect of the proposed development upon the character and appearance of the surrounding area; and
  - the effect of the proposed development on the living conditions of neighbouring occupiers, in relation to outlook and privacy.

## Reasons

### *Character and Appearance*

4. The appeal site is located to the rear of a number of dwellings on Heathside Road, Pembroke Road and Heathside Gardens. These dwellings are generally large two to three storey detached dwellings, which are situated on medium to large plots.

5. The appeal site is accessible from Heathside Road by way of a long access track. Due to the positioning of the building, the screening effect of the adjacent properties and the set back of the appeal site from the nearby highways, there would be limited visibility from the public realm. Nonetheless, the proposed development would be visible from the private amenity space and windows of neighbouring dwellings.
6. The design of dwellings in the local area are characterised by a broad variety of styles, sizes and height levels. As such, there is limited standardisation in the form of design. The proposed development is of a modern style with a basement and large amounts of glazing, which is spread out across the different floors. It would have a large crown roof with steep pitches on the front, sides and rear. I noted on my visit to the site, some roof designs which appeared to include some crown roof elements, for example at Tembani and South Lodge. While crown roofs may be uncommon in the area, the design of the proposed development does include traditional features such as gables to the front elevations and staggered roof heights to reduce the overall height and break up the bulk of the property. Overall, I am satisfied that the proposed crown roof and the additional glazing would not appear incongruous or detract from the overall character and appearance of the area, due to the low visibility of the appeal site, the incorporation of traditional features and the presence of other properties in the area with similar design features.
7. In terms of scale, mass and bulk, the maximum height of the proposed dwelling will be over a metre higher than the existing dwelling on the site. The plans indicate that the footprint of the proposed development will be 222.2 sqm, in comparison with the existing dwelling which is 163.3 sqm. As such, it will be approximately a third larger in terms of sqm. While the proposed dwelling will be larger than the existing dwelling, this increase is not significant when compared to the other large properties in the vicinity. Despite the larger size, it would not appear to be bulky and top heavy, as it has a modern design with a cohesive and consistent visual profile. Additionally, the proposed height of the dwelling would be comparable to many of the surrounding properties, specifically those which are between two and three storeys high.
8. In terms of amenity space at the appeal site, the plans indicate that it will be reduced from 682 sqm to 624 sqm. As such, there will be a modest change in the amount of amenity space relative to the expanded footprint of the proposed development. Due to the large size of the garden, the similar location of the building and the limited reduction of amenity space, it would not appear cramped or contrived. Overall, I am satisfied that the proposed development would not result in the overdevelopment of the plot.
9. Concerns have been raised regarding the impact of the basement upon character and appearance, however, given that it would not be visible from any viewpoint, I am satisfied that it would have no effect in visual terms.
10. In conclusion, the appeal scheme would not harm the character and appearance of the surrounding area. Accordingly, it would comply with Policies CS21 and CS24 of the Woking Core Strategy (2012) which require development to respect and enhance the existing character of the area. Additionally, the proposed development would function well and add to the

overall quality of the area in accordance with section 12 (Achieving Well-Designed Places) of the National Planning Policy Framework (2021) (Framework).

11. The Council's reason for refusal alleges a conflict with the Woking Design Supplementary Planning Document (2015), however, my attention has not been drawn to any wording in this document that relates to this main issue. Accordingly, it is not clear whether there is anything specific which is relevant to the proposed development. In any event, given my findings above and the available evidence, I am satisfied that the proposed development would improve the quality of design in the locality. I therefore find no conflict with the aims of this document.

*Living Conditions –outlook and privacy of neighbouring occupiers*

12. In relation to outlook, the property 'Chantry' is a considerable distance away from the proposed development and is only adjacent to the access track. The proposed development would not, therefore, have any significant impact on this property in terms of either outlook or privacy. By contrast, the proposed development would be much closer to other properties in the area, such as Nos 4, 6, 8 and 10 Heathside Gardens, 'Tembani' 'Beauregard' and 'South Lodge'. However, I have concluded in relation to character and appearance that it would not appear cramped or contrived. Therefore, I do not consider that the outlook from these properties would be unduly affected.
13. In terms of privacy, the appeal site is already enclosed by existing dwellings, such that there is likely to be an element of existing passive overlooking which is acceptable given the constraints of the appeal site. However, as the proposed development would be of a more modern style than the existing dwelling, it will incorporate more glazing, particularly to the front elevation. In combination with the increased height of the proposed dwelling, this will have an effect on the privacy of the occupiers of existing dwellings in the vicinity.
14. Notwithstanding the large amount of glazing used within the overall design of the proposed development, in relation to windows located on the ground floor, the existing boundary treatment and high level of screening is sufficient to ensure that the proposed windows would not cause actual or perceived overlooking or a loss of privacy to the nearest neighbouring dwellings.
15. In relation to windows located on the first and second floor of the front elevation, there is a considerable distance between the proposed development and adjacent properties located on Heathside Gardens. In combination with screening from vegetation at the boundary of the appeal site, there would be no significant harm to the private amenity space or rear elevations of those adjacent dwellings on Heathside Gardens, in terms of actual or perceived overlooking or loss of privacy.
16. The rear elevation of the proposed development would have windows located on the first and second floors which would face the larger garden area of Beauregard. Regarding the first floor, while some of these windows can be covered with obscured glazing or otherwise blocked internally, there are other windows located within bedroom 2 and 3, which it would not be

appropriate to cover with obscured glazing. Regarding the second floor, both bedroom 5 and 6 contain velux windows, which are capable of causing harm to privacy due to the enhanced viewing angles available at head height, which are greater than those available to skylights. These windows would provide an elevated level of visibility for occupants into the larger garden area of Beauregard, given the height of the rooms and their use as bedrooms. The existing boundary treatment is unlikely to provide sufficient screening to mitigate this effect on privacy, due to the height of the proposed development, and the size, orientation and location of the windows. In comparison with the existing building at the appeal site, the current windows which face the garden at Beauregard do not appear to directly serve habitable rooms and are limited to the first floor. In contrast, the proposed development would locate a greater number of windows in habitable rooms, which are at a greater height. Therefore, there would be a significant harmful impact on the privacy of the larger garden area at Beauregard, due to the location of these windows on the first and second floor.

17. In relation to windows located on the first and second floor of the side elevation of the property which faces 10 Heathside Gardens, the windows which face this property would be located in a closet area, toilet and study/laundry. As such, it is not likely that a sustained amount of time would be spent in these locations such as to cause significant harm to privacy.
18. In relation to windows located on the first and second floor of the side elevation which faces the smaller garden area of Beauregard, the windows which face this garden would be located in toilets. Notwithstanding the close proximity of the proposed development to this garden, it is not likely that a sustained amount of time would be spent in these locations such as to cause significant harm to privacy.
19. The Council's reason for refusal alleges a conflict with the Supplementary Planning Document on Outlook, Amenity, Privacy and Daylight (2022) The proposed development would comply with the recommended separation distances in the 2022 SPD (20m for two storey and 30m for three storey or taller), between the dwelling and other buildings in the vicinity. Despite this compliance, it does not diminish my concerns with the effect on the private amenity space at Beauregard. The Council also alleges a conflict with the Supplementary Planning Document on Woking Design (2015). Although the purpose of this 2015 SPD is to provide design guidance, my attention has not been drawn to any wording in it that relates to this main issue. It has therefore not been determinative in my decision on this issue.
20. In conclusion, the appeal scheme would harm the living conditions of the neighbouring occupiers at Beauregard, in relation to privacy. Accordingly, it would fail to comply with Policies CS21 of the Woking Core Strategy (2012) which requires development to achieve a satisfactory relationship to adjoining properties and avoid a significant harmful impact in terms of loss of privacy. Additionally, the proposed development would fail to create a place that is safe, inclusive and accessible and which promote health and well-being, contrary to with section 12 (Achieving Well-Designed Places) of the Framework (2021).

21. The Council's reason for refusal alleges a conflict with section 4 of the Framework (2021). However, there is nothing in the proposal before me, insofar as it relates to decision making, that would have a negative impact in this regard. I therefore find no conflict with this part of the Framework.

### **Other Matters**

22. I note the appellant's comments that the proposed development would exceed minimum space standards, habitable rooms would be well served by natural light, the garden size is sufficiently large and that a significant increase in traffic along the access track is unlikely. However, none of these other matters outweigh or overcome my conclusion on the living conditions main issue.

### **Conclusion**

23. I have found that the appeal scheme conflicts with development plan policy where it seeks to protect living conditions and thus find that it would be contrary to the development plan as a whole. No material considerations have been demonstrated which would outweigh the planning development conflict. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*S Lo*

INSPECTOR