



Appeal Decision

Site visit made on 26 September 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2023

Appeal Ref: APP/A3655/D/23/3319217

White Hall, Hook Heath Road, Woking, Surrey GU22 0QF

- 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 A Matoorian against the decision of Woking Borough Council.
 - The application Ref PLAN/2022/0982, dated 18 October 2022, was refused by notice dated 20 January 2023.
 - The development proposed is described as ground floor and first floor extensions and alterations to existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading above has been taken from the application form, albeit that the reference to Surrey has been made after Woking rather than preceding as shown on the application form.
3. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. In the interests of clarity, I rely upon the description as included in the application form for the purposes of the heading above.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - effect of the proposal on the openness of the Green Belt;
 - effect of the proposal on the character and appearance of the area and the setting of the Fisher's Hill/Hook Heath Conservation Area;
 - effect of the proposal on the living conditions of the neighbouring property at Burfield; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. Policy CS6 of the Woking Core Strategy (WCS), adopted October 2012 sets out amongst other things, that the Green Belt will be protected against harmful developments and strict control over inappropriate development will continue to apply. Policy BE13 of the Woking Development Management Policies (DMP) Development Plan Document, adopted October 2016 highlights that subject to very special circumstances the construction of new buildings and development in the Green Belt will be inappropriate, subject to exemptions. These policies are broadly consistent with the Framework in that it states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The Framework further establishes at paragraph 149 that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. Criterion c) of paragraph 149 states that one such exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
7. The Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement. However, the justification text of DMP Policy BE13 provides guidance in respect to determining what could be deemed a disproportionate addition, highlighting those proposals within a range of 20-40% above the volume of the original building could be acceptable, although this is a matter of fact and degree for each case. The justification text further highlights that the 'size' of the original building will be compared to the extended dwelling taking into account its siting, floorspace, bulk and height.
8. The appeal site consists of a detached bungalow property within a relatively rural location. The site is set back from the road and is largely obscured from public view by the extensive vegetation on the boundaries that provide an effective green screen, limiting views to glimpses only. The host property has been subject to a partially implemented approval for a single storey side/rear extension after the demolition of existing attached garage, additional single storey rear extension and front porch¹. The proposal would provide an extension at the front, back and side of the existing property including an increase of approximately 1.2m at ridge level.
9. The Council indicates that the existing extension and the proposal combined would amount to a 79% increase in the volume of the original property in excess of the 20-40% range. However, the independent volumetric calculation does not account for the 'size' of the proposal. It is acknowledged that the siting and the footprint of the proposal would be modest, however the scheme would nevertheless significantly increase the floorspace, bulk and height of the existing property, particularly at the roof level. As such, in terms of its 'size' the scheme would provide a bulky extension that would not appear subservient to the host property. The proposal, along with the previous extension, would therefore represent a significant cumulative increase and result in

¹ Woking Borough Council Planning Ref: PLAN/2015/0915

disproportionate additions over and above the size of the original building. Consequently, the proposal would be inappropriate development in the Green Belt.

10. I have been referred to other examples of properties in Hook Heath Road which have been extended and the appellant considers show inconsistency in decision making by the Council. From the information I have been provided and from my own observations, it is acknowledged that there are several large properties in the vicinity, notably at 'Lowburn Leigh' (adjoining the appeal site), 'Dehra', 'Pine Ridge' and 'The Chase'. However, I have not been presented with the full details in respect to the planning history of these cases. In any case, each scheme must be considered on its own merits. While consistency in decision making is important, ultimately, what constitutes an exception under Green Belt policy needs to be determined in the light of the specific circumstances and context of each case.

Openness

11. There are spatial and visual aspects to the assessment of the openness of the Green Belt. In spatial terms, the scheme would provide extensions to the front, side and rear elevations and also to the ridge height. These extensions would increase the quantum of development to a noticeable degree, and therefore would have an adverse impact on the openness of the Green Belt in spatial terms.
12. With regard to the visual aspect, the property is only visible via glimpse views from public vantage points along Hook Heath Road due to the extensive green boundary screen, which surrounds the site. The appeal site is also situated within a small ribbon of residential development, which contrasts with the much less developed open spaces to the north and south of the site. Given this location and context I would conclude that the scheme would have a limited visual effect on the openness of the Green Belt.
13. Whilst I find there would be limited impact on both the spatial and visual dimensions of the openness of the Green Belt, there would be harm, nonetheless. As a result, the proposal would not constitute an exception as set out in paragraph 149 of the Framework and would be inappropriate development in the Green Belt, conflicting with the Framework; WCS Policy CS6 and DMP Policy BE13.

Character and appearance

14. The appeal site forms part of a small ribbon of development located on the southern side of Hook Heath Road. The area is mainly residential with a pleasant semi-rural feel. The site adjoins the Fishers Hill/Hook Heath Conservation Area (CA), albeit outside the CA boundary as shown on the submitted Conservation Area Map, which the Council have confirmed in the questionnaire. The appeal site is also located within the setting of Fishers Hill House, a Grade II listed building.
15. As such, I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest. Also, I have a statutory duty under

section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

16. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
17. Paragraph 206 of the Framework requires new development within the setting of a CA to enhance or better reveal its significance. The Framework defines the setting of a heritage asset as "*the surroundings in which a heritage asset is experienced.*" The appeal site adjoins the circular driveway of the Grade II listed building at Fishers Hill House, and therefore forms part of its surrounding from which it is experienced.
18. The significance of the CA is characterised by the development of country houses in secluded plots. The existing bungalow property is of a modest scale, maintaining a rural cottage like feel which makes a positive contribution to the overall significance of the CA and setting of the adjoining listed building. The proposal would increase the bulk and height of the dwelling, and would substantially alter the roof form, and in doing so would provide a significant visual change in the mass of the property. The resultant mass of the proposal would diminish the modest nature of the host property and would provide a more prominent development within the setting of the CA and the listed building.
19. Given it would be relatively localised, the harm I have identified to the significance of the heritage assets would be less than substantial. Paragraph 202 of the Framework advises where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
20. I have had regard to the public benefits of the appeal scheme, which would make modest improvements to the building including improved accessibility for the appellant and future occupiers, providing a limited public benefit. However, the appeal scheme would fail to preserve the character and appearance of the CA and setting of the heritage asset, to which I must attach importance and great weight. Accordingly, the public benefits would not outweigh the less than substantial harm that would be caused to the significance of the heritage assets identified above.
21. As such, the proposed development would harm the character and appearance of the host property and would fail to preserve or enhance the character or appearance of the CA and the setting of the Grade II listed building. The proposal would therefore be contrary to WCS Policies CS20, CS21 and CS24, Policy DM20 of the DMP and Policy BE1 of the Hook Heath Neighbourhood Plan (NP), June 2015 which collectively require all development to be of high-quality design; respect and enhance the character and appearance, as well as making a positive contribution to the distinctiveness and significance of the historic environment including its heritage assets. Nor would it accord with the relevant paragraphs in the Framework or the principles of the Woking Design

Supplementary Planning Document (SPD), adopted February 2015 which both seek good design that also would conserve and enhance the historic environment.

Living conditions

22. The closest neighbour to the proposal, at Burfield, has a ground floor window in the flank elevation adjoining the boundary, and a private amenity area near to the appeal site. The introduction of the first-floor dormer window at the front of the site, would provide limited views of these areas. However, the existing boundary screen, coupled with the angle between these properties is sufficient to maintain an acceptable level of neighbour privacy within this setting.
23. Furthermore, the Woking Borough Council 'Outlook, Amenity, Privacy and Daylight' SPD, adopted February 2022, highlights the recommended minimum separation distances for achieving privacy at Appendix 1. For a two-storey development with front to flank elevations, these are expected to achieve a minimum separation of 10m. From the plans before me the proposal would meet with these minimum standards.
24. Consequently, the proposal would not result in an unacceptable loss of privacy on the neighbour at Burfield. It would therefore accord with the relevant sections of CS Policy CS21, and Appendix 1 of the Outlook, Amenity, Privacy and Daylight SPD which, amongst other things, seek to achieve satisfactory relationships with adjoining properties and avoid harmful impacts in terms of loss of privacy amongst other things. The proposal is consistent with the Framework, which also seeks a good standard of amenity for all existing and future occupants of buildings.

Other considerations

25. The existing trees and vegetation provide an effective green screen of the appeal site and make a positive contribution to amenity. No details have been supplied with the appeal in respect to any foundation works for the proposed development, nor an arboricultural impact assessment (AIA) in respect to potential impacts on these trees. Given the proximity of the proposal to the existing trees, there would be potential for their root protection areas to be impacted. Furthermore, no evidence has been submitted with the appeal to indicate whether the retention and protection of trees during construction would be possible. In the absence of any evidence highlighting that the trees could be protected and retained or any information to the contrary, I must adopt a precautionary approach.
26. Consequently, the proposal would have an unacceptable effect on the health and life expectancy of the trees and would not compliment the qualities of the surrounding area or respect the landscape features and thus harming its character and appearance. Accordingly, the proposal would be contrary to the relevant sections of WCS Policy CS21, DMP Policy DM2 and NP Policy BE1 in so far as they seek to retain and protect existing trees, landscapes and habitats, amongst other things. The proposal would also conflict with the Framework insofar as it requires development to be sympathetic to local character and seeks to safeguard significant trees.

Green Belt Balance

27. The proposal is inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The harm to the openness of the Green Belt in this case is at odds with local and national policy to protect the Green Belt. Any harm to the Green Belt is a matter that carries substantial weight. Furthermore, I have also found that the proposal would harm the character and appearance of the area, the setting of heritage assets, albeit less than substantial, and would have an unacceptable effect on the health and life expectancy of the trees.
28. There are no other considerations which individually or cumulatively would be of sufficient weight therefore to clearly outweigh the harm to the Green Belt. Consequently, very special circumstances to justify the development do not exist. As such, the proposal conflicts with paragraph 148 of the Framework.

Conclusion

29. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR