



Appeal Decision

Site visit made on 21 September 2023

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2023

Appeal Ref: APP/A3655/D/23/3327559

17 Rainbow Court, Woking GU21 3RD

- 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 and Mrs Cutt against the decision of Woking Borough Council.
 - The application Ref PLAN/2022/0410 dated 30 April 2022, was refused by notice dated 17 May 2023.
 - The development proposed is a "private driveway with new access & drop kerb onto Littlewick Road, including parking & turning head, across county council highways land".
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Decision

1. The appeal is dismissed.
2. An application for costs was made by Woking Borough Council against the Appellant. This application is the subject of a separate Decision.

Procedural Matter

3. The description of development is taken from the application forms. The Council did change the description to include reference to a change of use of amenity land, however, I have no information to indicate that the applicant agreed to that change, and this is a householder application. I have therefore considered the proposal as submitted.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area, and highway safety.

Reasons

Character and Appearance

5. The appeal property is part of the Goldsworth Park housing estate. No.17 Rainbow Court is located at the end of a terraced row that fronts onto a footpath linking Rainbow Court to Littlewick Road. The appeal property has an area of garden to the side which adjoins a wide verge adjacent to Littlewick Road. There is a change in levels with an embankment adjacent to the boundary, which within the garden of No.17 comprises a retaining wall with fencing above. To the side of the two-bedroom house a foundation base has been constructed which having regard to the planning history would appear to relate to planning approval - PLAN/2020/0864 for '*the subdivision of plot of 17 Rainbow Court, retention of existing dwelling and erection of new dwelling and alteration to front boundary wall*'.

6. The area beyond the appeal site, up to Littlewick Road, contains several mature trees and is part of a landscaped verge which extends along the edge of the road, increasing in depth up to and around the roundabout linking into Lockfield Road. To the other side of Littlewick Road, there are a number of sporadic driveways serving detached properties which are set back from the road with trees and vegetation to the front. The heavily vegetated setting of the road significantly contributes positively to the visual quality of the area and creates a semi-rural and verdant character.
7. Due to the vegetation, properties within Rainbow Court are effectively screened from Littlewick Road. The cul de sac of terraced 1970/80s properties of the same design form is interspaced with parking areas. None of the properties have driveways and it was evident from my site visit that vehicles park beyond the identified parking areas.
8. The proposal would form a crossover to Littlewick Road and create a Y-shaped driveway which would provide turning and parking for three cars¹ within the appeal property's garden. The extent of hard surfacing would be large, extending both in front and beyond the rear of the house and running along the edge of the area of the foundation base. It would be facilitated by a substantial break in the existing landscaped verge, including through the embankment which would require retaining structures on each side.
9. Whilst not identified as 'Urban Open Space' on the Proposals Map the landscaped verge is part of the wider green infrastructure and the intrinsic character of the area. The development would substantially disrupt this area creating both a visual intrusion and altering the established pattern of development. In contrast to the other side of the road which has a grass verge in front of the properties, to the south the vegetation abuts the back edge of the footpath and there are no other vehicular access points along this side of Littlewick Road.
10. I agree with the appellant that each case is to be considered on its own merits, however, in this instance, there would be a fundamental change to the access arrangements for a single property that is part of a terrace and a defined residential estate served from Lockfield Drive. Several other properties have a similar relationship to Littlewick Road, and I share the Council's concerns that it may set a precedent. This would not be a reason on its own to refuse the proposal, nonetheless, it does add to the already identified harm the development would have on the character and appearance of the area which includes the layout of the estate and its integration with the surrounding area.
11. In conclusion the scale and form of the development would have a harmful impact on the Littlewick Road street scene and the wider character of the area. Thus, it would conflict with policies CS17, CS21 and CS24 of the Woking Core Strategy 2012 (the Core Strategy) and DM2 of the Development Management Policies DPD 2016. Together these seek development which is of a high- quality design, makes a positive contribution to the street scene and the character of the area, protects the landscape and trees, and encourages enhancements to green infrastructure. It would also fail to accord with the related design requirements of the National Planning Policy Framework (NPPF).

¹ Based on the details shown on the Access and Turning Manoeuvre diagrams within the Appellant's appeal statement.

Highway Safety

12. The Highway Authority's concerns are that it has not been satisfactorily demonstrated that the required visibility splays are achievable. Reference is also made to traffic travelling above the speed limit, tree removal and the use of third-party land.
13. The application plan (Rainbow D-P-50) illustrates 2.4m x 43m visibility splays based on the 30mph speed limit and shows them, along with the entirety of the verge to the rear of the appeal property, within highway land. There is no other information before me which indicates this is not the position and that the splays extend over third-party land. The traffic speed survey provided by the appellant, at appeal, confirms traffic speeds in excess of 30mph and proposes increased visibility splays based on the traffic speeds that could also be accommodated within the highway land.
14. Notwithstanding this, the application plans also indicate that there are no trees within or close to the visibility splays. It was, however, evident from my observations on site, which reflect the comments of the Highway Authority and the photos within the appellant's appeal statement, that there is relatively thick vegetation including mature trees very close to the back edge of the relatively narrow footpath to Littlewick Road. Therefore, while the Council's tree officer has raised no objections, I have concerns with the accuracy of the information in terms of the proximity of the trees to the development, and there are also limited details relating to the ground-level changes which would be required. Additionally, as set out in the Planning Inspectorate Procedural Guidance: Planning appeals- England the appeal process shouldn't be used to evolve the proposal and the revised visibility splay plan has not been subject to consultation or arboricultural assessment.
15. I am therefore concerned that the development may lead to further loss of trees which would exacerbate the harm to the character of the area. Thereby, the proposal would be contrary to Policy CS18 of the Core Strategy to mitigate environmental and safety impacts and to ensure safe and suitable access arrangements for all users.

Other Matters

16. The appellant explains that they seek private off-street parking for convenience and to aid surveillance. There is no evidence of any particular security issues and the benefits of the removal of the vehicle(s) associated with a single two-bedroom house from parking in Rainbow Court would be limited. In addition, the essentially private benefits of the development to occupants of No.17 do not outweigh the identified public harm to the wider area.
17. While the Council has referred to the change of use of the land, there is no substantive evidence to show that the proposal would lead to a loss of useable public open space. Issues relating to the upkeep of the verge and incidents of dumped rubbish are separate matters relating to the maintenance of the highway land. Also, any further requirements relating to a change of use of the land and consent to use and maintain it are for the Local Planning Authority and Surrey County Council, respectively, and outside the scope of this appeal.
18. The reasons for refusal also refer to The Surrey Transport Plan 2022-2032 and Supplementary Planning Documents – Outlook, Amenity, Privacy and Daylight

2022 and Design 2015. I have not been provided with these documents or referred to any specific sections. However, as they support the Development Plan it is unlikely that they relate to matters which have not been generally covered in the considerations above.

Conclusion

19. For the reasons set out and having regard to all other matters raised the appeal is dismissed.

G Ellis

INSPECTOR