

Appeal Decision

Site visit made on 28 August 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2024

Appeal Ref: APP/A3655/W/23/3335941

94 Westfield Road, Westfield, Woking, Surrey GU22 9QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Hawksview Investments against the decision of Woking Borough Council.
 - The application Ref is PLAN/2023/0418.
 - The development proposed is the demolition of existing bungalow and erection of 2x semi-detached dwellings and associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing bungalow and erection of 2x semi-detached dwellings and associated parking and landscaping at 94 Westfield Road, Westfield, Woking, Surrey GU22 9QA in accordance with the terms of the application Ref PLAN/2023/0418, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have used the Council's description of development as this more accurately describes the proposed scheme.
3. The Council has withdrawn its second reason for refusal, relating to the effect of the proposed development on ecology. I have no reason to disagree with those findings.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - the effect of the proposed development on the Thames Basin Heaths Special Protection Area.

Reasons

Character and appearance

5. The appeal site comprises a parcel of land set back from Westfield Road, accessed via a private track. It accommodates a relatively modest single-storey dwelling, which is only partly visible from the public vantage point of Westfield Road. Individual properties of a detached, but varied design and scale exist within the immediately surrounding area. More varied dwellings, including some semi-detached properties, exist on the opposite side of Westfield Road and individual plot sizes vary in size and shape. From that perspective, although I recognise that there is a common theme of sylvan living on this side of Westfield Road, the surrounding grain and pattern of development, when taken as a whole, is not one which could be described as coherent or uniform. Moreover, there is no strong or prominent street-facing frontage here.
6. The proposed development would see the demolition of the existing structure, and its replacement with a set of semi-detached dwellings. I accept that the proposal would draw development further across the site than is currently the case and would reduce the overall plot size to provide two individual garden plots. I also acknowledge that the proposed development would be glimpsed from the site entrance and would be visible from the private vantage points of nearby properties. Nevertheless, the development would remain within the context of the mature, sylvan setting that exists in this part of Westfield and from that perspective would not appear as a prominent, alien or incongruous feature here.
7. In respect of landscaping, there is already a relatively large parking and turning area to the front of the appeal site, this would not change significantly under the proposed development. Moreover, further details could be secured by condition.
8. Overall, I conclude that the proposed development would have an acceptable impact on the character and appearance of the site and surrounding area, in accordance with the relevant provisions of Policies CS21 and CS24 of the Woking Core Strategy (CS, 2012) and Policy DM10 of the Woking Development Management Policies Development Plan Document (DPD, 2016). These policies, in summary, seek to ensure that development proposals promote or reinforce the local character of the area. This is in a similar vein to the provisions of the National Planning Policy Framework (the Framework) and the Design Supplementary Planning Document (2015), insofar as good design is concerned.

Special Protection Area

9. The appeal site lies within the zone of influence of the Thames Basin Heaths Special Protection Area (SPA). This site was designated due to the importance of its habitats.
10. All public bodies have a duty to take reasonable steps to further the conservation and enhancement of this designated area. There is the potential for significant impacts on the SPA as a result of any net increase in residential development within the zone of influence. This is principally due to

pressures on the site by reason of its attractiveness as a location for recreation.

11. The Conservation of Habitats and Species Regulations 2017 (the Regulations) require competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment in circumstances where the plan or project is likely to have a significant effect on a European site, alone or in combination with other plans or projects.
12. The proposal is not directly connected with or necessary for the management of the protected site and on-site mitigation would not be possible. I must therefore consider whether measures could be put in place to avoid or mitigate the impact of the pressure arising from the proposed development on the protected sites, and the effectiveness of any proposed measures.
13. The Council's Strategic Access Management and Monitoring Plan (SAMM) provides a strategy to mitigate the potential impacts of new housing development on the protected sites. A tariff has been developed and is applied to new housing built within the zone of influence.
14. The Council sets out that a financial contribution, based on a net gain of 1 dwelling, is required for the proposed development to contribute to the established district-wide mitigation strategy. This is not disputed by the appellant, who has submitted a signed and dated Unilateral Undertaking to secure the payment. The Council have confirmed sight of this document and find it acceptable.
15. Based on the evidence before me, there is an appropriate mechanism in place that would secure a financial contribution to the SAMM, which I have found necessary to mitigate the impact of the proposed development on the negatively affected protected site. There is no evidence before me to demonstrate that any other adverse effects exist.
16. Consequently, I conclude that the proposed development would not lead to unmitigated adverse effects on the integrity of the SPA, in accordance with the relevant provisions of Saved Policy NRM6 of the South East Plan (2009) and CS Policy CS8. These policies, in summary, seek development to comply with the SAMM and protect habitats sites. This is in a similar vein to paragraph 180 of the Framework and the Habitats Regulations.

Other Matters

17. I note the comments raised by neighbours and others on a range of matters, including in respect of parking provision and highway safety, damage to property and loss of light and privacy. There is no dispute between the Council and appellant in respect of transport matters, and based on the evidence before me I have no reason to disagree with those findings. Issues relating to damage are private matters.
18. Matters relating to overlooking and loss of light are also acknowledged. I accept that the proposed development would introduce a two-storey structure where this is currently not the case, changing the relationship between the two sites. However, the setback of the properties from the rear shared boundary with Mayfield, together with the orientation of Mayfield and the proposed dwellings, is such that there would be no unacceptable harm to

the occupiers of that neighbouring property in respect of light or privacy. This is not a matter that is in dispute between the Council and appellant. Moreover, although landscaping cannot be relied on in perpetuity to provide the same level of screening as at present, the established planting along the shared boundaries is typical of the area and in my view is unlikely to be substantially reduced or lessened over time.

19. Reference has been made to the effect that there would be a possible interference with the human rights of a neighbour and their family under Article 8 of the Human Rights Act 1998 if the appeal were allowed. Article 8 deals with the right for respect for family life and the home. I have found that the works would be acceptable in respect of living conditions. There is no substantive evidence before me to indicate that in allowing the appeal, this would prevent the use or enjoyment of the existing dwelling at Mayfield. Allowing this appeal would not be a disproportionate interference with that right and I do not consider that allowing the appeal would discriminate in any way against the neighbouring occupants or their family.

Unilateral Undertaking

20. A signed Unilateral Undertaking has been submitted by the appellant. This would secure the payment of £1230 as a SAMM contribution, required in respect of the SPA.
21. Paragraph 57 of the Framework and Regulation 122 of the CIL Regulations sets out three tests that planning obligations must meet. Firstly, they must be necessary to make the development acceptable in planning terms. Secondly, they must be directly related to the development. Thirdly, they must be fairly and reasonably related in scale and kind to the development. I am satisfied that the planning obligations would meet the requirements of the Framework and the CIL Regulations.

Conditions

22. The Council has provided a list of conditions that it suggests should be applied in the eventuality that the appeal was to be allowed. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance. I have amended the wording of some, and combined provisions of others without altering their fundamental aims.
23. In addition to the standard three-year time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans. This is necessary for certainty.
24. Materials and landscaping conditions are necessary in order to protect the character and appearance of the area. A tree protection condition is necessary in the interest of the protection of trees. Conditions relating to car parking areas and electric car parking facilities are necessary to ensure adequate provision for future occupiers and in the interests of sustainability. Conditions relating to ecology and external lighting are necessary in interests of the protection and enhancement of biodiversity. A condition relating to sustainable drainage is necessary in the interests of flood prevention and sustainability. A further condition relating to water usage is necessary in the interests of sustainability.

25. A condition relating to the insertion of privacy screening is necessary in the interests of the protection of the living conditions of neighbouring occupiers. A condition withdrawing permitted development rights for any new windows without the prior consent of the council is also necessary for similar reasons.
26. A suggested further condition requiring the removal of permitted development rights has not been imposed as there is insufficient evidence before me to demonstrate why these measures are reasonably necessary in this particular case.
27. Conditions 3-6 are pre-commencement as they are necessary to ensure that any design features and potential mitigation is properly designed in prior to the commencement of development.

Conclusion

28. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: DP/641/00-01 (Existing Site Plan); DP/641/00-02 (Proposed Site Plan); DP/641/00-05 (Proposed Block Plan); DP/641/01-01 (Proposed Ground Floor Plan); DP/641/01-02 (Proposed First Floor Plan); DP/641/04-01 (Proposed Roof Plan); DP/641/02-01 (Proposed Elevations 01); DP/641/02-02 (Proposed Elevations 02).
- 3) No development above ground level (excluding demolition) shall take place until details of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No development above ground level (excluding demolition) shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - boundary treatments;
 - hard surfacing materials; and
 - shrubs, trees and hedges to be planted.

The landscaping works shall be carried out in accordance with the approved details in the first planting season following the first occupation of the dwellings, or the completion of the development, whichever is the sooner. The completed scheme shall be managed and/or maintained thereafter.

Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species.

- 5) No development above ground level (excluding demolition) shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented prior to the occupation of the development. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved details.
- 6) No development above ground level (excluding demolition) shall take place until details of the measures for the enhancement of biodiversity on the site and a timetable for their provision, with reference to the submitted Preliminary Ecological Report, have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the agreed details prior to the first occupation of the development and thereafter retained and maintained.

- 7) Prior to the occupation of the development, the vehicle parking spaces and turning area shall have been provided in accordance with drawing no. DP/641/00-02. Thereafter those spaces shall be retained for the parking and turning of vehicles only.
- 8) Prior to the occupation of the development, details of Electric Vehicle charging points to be provided shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the first occupation of the development and thereafter retained.
- 9) Prior to the occupation of the development, written evidence must be submitted to and approved in writing by the Local Planning Authority, demonstrating that the dwellings within the development will achieve a maximum water use of no more than 110 litres per person per day. The development must be carried out in accordance with the approved details prior to the occupation of the development and maintained and operated as such thereafter.
- 10) The development shall be implemented in accordance with the Preliminary Ecological Report prepared by AA Environmental Ltd, dated December 2023.
- 11) The development shall be implemented in accordance with the Arboricultural Impact Assessment (ref: D2995.V1.0-AIA), Tree Survey (ref: D2995.V1.0-TS), Tree Protection Plan (numbered D2995.V1.0-A3-TPP(AIA) Rev.1.0) and Tree Constraints Plan (numbered D2995.V1.0-A3-TCP Rev.1.0). No works or demolition shall take place until the tree protection measures have been implemented.
- 12) Prior to the installation of any external lighting including floodlighting, details of the lighting (demonstrating compliance with the recommendations of the Bat Conservation Trusts' "Bats and Lighting in the UK - Bats and The Built Environment Series" guidance) shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall thereafter be installed and maintained in accordance with the agreed details.
- 13) Notwithstanding the approved plans listed in this notice, the first floor window in the north-west facing flank elevation of the dwellings hereby permitted shall be glazed entirely with obscure glass and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor levels of the rooms in which the windows are installed. Once installed the windows shall be permanently retained in that condition.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or other additional openings, other than those expressly authorised by this permission, shall be formed in the north-west or south-west elevations or roof slopes.