



Appeal Decision

Site visit made on 20 February 2025

by R Lawrence BSc (Hons), PGDip (TP), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2025

Appeal Ref: APP/A3655/D/24/3348052

The Old Orchard, Kettlewell Hill, Horsell, Woking, Surrey GU21 4JA

- 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 Mr & Mrs Roles against the decision of Woking Borough Council.
 - The application Ref is PLAN/2023/1002.
 - The development proposed is the extension and alteration of a domestic outbuilding to form additional habitable accommodation.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs (full award) was made by Mr and Mrs Roles against the decision of Woking Borough Council. That application is the subject of a separate decision.

Main issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area,
 - whether the development would constitute a separate independent dwelling, and
 - the effect of the development on the Thames Basin Heaths Special Protection Area (SPA).

Reasons

Character and appearance

4. The appeal proposal relates to an existing garage, situated within the grounds of a large, detached property. Despite its proximity to the site boundary, the existing garage sits comfortably within the street scene due to its subordinate domestic scale and its traditional design. The existing roof form comprises a steeply pitched tiled roof.
5. The area is recognised within the Woking character study (2010) as being characterised by residential development, primarily comprising large, detached properties, set within generous plots and with a strong arcadian style. Whilst gambrel roof forms can be associated with Georgian properties, they are not a common feature within the surrounding arcadian style-built form. Instead roof

forms, like the existing garage roof and that of the host dwelling, are predominantly simple, steeply pitched and constructed of dark tiles. The use of steep pitches serves to minimise the overall bulk and scale of the roofs.

6. The proposed gambrel roof design together with the addition of significant dormer windows, would result in a bulky roof form. In the context of the simple pitched roof forms that characterise the area, the roof would therefore appear top heavy and visually obtrusive. The roof would appear substantially different to the existing garage roof and that of the host property. The Woking Design SPD¹ 2015 advises that residential extensions should normally be of a similar format to that of the existing dwelling.
7. The proposed roof would be readily visible above the existing hedgerow, in particular from the adjacent elevated pedestrian footpath. I am also mindful that the presence of the hedge cannot be relied on in perpetuity. Given its proximity to the street scene, and the difference in style with the main house, the proposal would appear dominant and uncharacteristic within the street scene.
8. My attention has been drawn to support within the Framework (paragraph 125) for upward extensions, including mansard roofs, for the provision of new homes. However, the Framework is clear that this support only applies where development would be consistent with the prevailing form of neighbouring properties and the overall street scene. In this case, the proposal is not for a new home but for ancillary accommodation and there would be a conflict with the prevailing character of the area, accordingly, the proposal would not benefit from the support within paragraph 125.
9. I therefore find that the proposal, due to the proposed roof form, would have a detrimental effect on the character of the area, in conflict with Policy CS21 of the Woking Core Strategy (2012) and the Woking Design SPD (2010). Policy CS21 requires that development respects and makes a positive contribution to the street scene and the character of the area. The proposal would also conflict with the requirements of the Framework relating to good design.

Whether a separate independent dwelling

10. The proposal, which was submitted to the Council and validated as a householder development, relates to an extension to an existing outbuilding to provide ancillary accommodation. The proposal would provide a bedroom, shower room and an open plan kitchen-living room. It would be accessed by an external staircase. The proposal would share the main vehicular access, parking and a curtilage with the host dwelling.
11. The judge in *Uttlesford DC v SSE & White* [1992] considered that, even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling, instead it would be a matter of fact and degree.
12. The existing floorspace within the outbuilding provides parking and a workshop which are used by the occupants of the main dwelling. A car port was granted retrospective permission in 2022² and provides additional parking. Nonetheless,

¹ Supplementary Planning Document

² PLAN/2022/0251

there is no evidence before me that the ground floor of the garage would cease to be used by occupants of the main dwelling.

13. The very close physical relationship between these facilities and the new accommodation would necessitate a familial relationship between the occupiers of the host dwelling and the proposed accommodation. The intention is for the proposed accommodation to be occupied by family members. Furthermore, the proximity of the outbuilding to the main dwelling, together with the facilities on the ground floor, would not encourage use of the accommodation independently of the host dwelling.
14. A separate independent dwelling is not sought as part of the appeal proposal, and this is reflected in the description of development applied for. Its use as an independent dwelling would require separate planning permission and the merits of such could be considered at that time. There is no clear and substantiated evidence that the building has been designed with a conversion to an independent dwelling in mind.
15. My attention has been drawn to a number of appeal decisions where the Inspector found the proposed would constitute independent self-contained accommodation. In the absence of further detail relating to those cases, it is not possible to establish how comparable they are. In any event, I have determined this appeal on its own merits and its own site-specific circumstances.
16. In light of the above, the development would not constitute a separate independent dwelling. The proposal would therefore accord with Policy DM9 of the Woking Development Management Policies Document 2016, which allows for ancillary accommodation where it is genuinely ancillary and shares a common access with the main dwelling.

Thames Basin Heaths SPA

17. The site lies within the Thames Basin Heaths SPA. The SPA is defined as a European Site as it provides habitat for ground-nesting bird species including nightjars, woodlarks and Dartford Warblers. It has been established that residential development within the zone of influence would result in likely harm to the protected area through recreational disturbance.
18. As set out above, the proposal would not result in an additional independent residential dwelling, however, it would provide new ancillary accommodation which would include facilities for independent day-to-day living. In this regard, the proposal constitutes new residential development which is likely to have a significant effect on the ecological integrity of the SPA.
19. The intended occupiers are the children of the existing occupiers. The provision of their own accommodation could increase the likelihood of those persons visiting the SPA independently of the existing household. Furthermore, I cannot rule out the possibility of ownership and occupation changing in the future, such that movement patterns could change, even whilst retaining an ancillary relationship with the host property.
20. I have not been presented with robust evidence that the additional accommodation, because of its potential to accommodate additional residents, would not lead to some increase in recreational disturbance to the SPA. The scale of the

accommodation is small, such that any effect from the proposal itself would be very small. Nonetheless, the cumulative effects of this, together with other small-scale developments are likely to be significant.

21. The appellants contend that the existing building is already in an ancillary use and could be converted to habitable accommodation. It is open to the appellant to seek a determination under S192 of the Town and Country Planning Act to seek confirmation on this matter, however, the current proposal involves a significant extension to the existing building, thereby altering the nature of its use.
22. Overall, I am not in a position to conclude beyond reasonable scientific doubt that the proposal would not have an adverse effect on the integrity of the European sites. The proposal would therefore conflict with Policy CS8 of the (Woking Core Strategy) and Policy NRM6 of the South East Plan (2009) which seek to protect European Protected Sites. In addition, the provisions of the Conservation of Habitats and Species Regulations 2017 would not be met.

Other Matters

23. My attention has been drawn to the difficulties the appellants' children are experiencing in being able to find and afford their own home and the limitations to the existing living space at the host property. The appeal proposal would go some way to address this, however, this is a private benefit and there is no substantive evidence that there is no alternative means to provide suitable ancillary accommodation. Accordingly, this attracts limited weight.
24. The appellants have raised concerns regarding the Council's handling of the application; however, this is a matter between the main parties and has no bearing on my consideration of these appeals.

Conclusion

25. Although I have found in the appellants' favour with regard to whether the proposal constitutes a separate independent dwelling, this is not sufficient to outweigh the harm I have identified to the character and appearance of the area and to the Thames Basin Heaths SPA. Consequently, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons set out above, the appeal is dismissed.

R Lawrence

INSPECTOR