



Appeal Decision

Site visit made on 20 May 2025

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 JUNE 2025

Appeal Ref: APP/A3655/W/24/3354452

Grosvenor Court, Hipley Street, Old Woking, Woking, Surrey GU22 9LL

- 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 Stephen Prockter of Tantalus Homes against the decision of Woking Borough Council.
 - The application Ref is PLAN/2023/1000.
 - The development proposed is described as the erection of a building, up to 4 storeys, containing x20 apartments with car parking, cycle stores, landscaping and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a building, up to 4 storeys, containing x20 apartments with car parking, cycle stores, landscaping and associated works at Grosvenor Court, Hipley Street, Old Woking, Woking, Surrey, GU22 9LL in accordance with the terms of the application, Ref PLAN/2023/1000 subject to the conditions in the attached schedule.

Preliminary Matters

2. The views of the main parties were sought following the publication of the revised National Planning Policy Framework ("the Framework") on 12 December 2024. The responses have been considered in this decision.
3. The Council has confirmed that an acceptable legal agreement has been submitted to overcome the 3rd reason for refusal regarding the Thames Basin Heaths Special Protection Area. I will return to this matter later in my decision.

Main Issues

4. The main issues therefore are the effect of the proposed development upon:
 - The character and appearance of the area; and
 - The living conditions of future residential occupiers with particular reference to outdoor space for family sized units.

Reasons

Character and Appearance

5. The appeal site forms a vacant area of land laid to hardstanding. It is surrounded by buildings, and these include: a broadly red brick three-storey building shown as Grosvenor Court, a three-storey building principally finished in buff coloured brick shown as Westminster Court, a four-storey building (with its fourth floor in the roof) finished mainly in buff brick and off-white render shown as Prospect Place, and

two-storey height buildings finished in mostly white painted brick and some mixed buff and red brick, occupied by Nittan.

6. The wider character of Hipley Street is defined by lower scaled two-storey buildings which include predominantly white painted or rendered frontages. However, roof designs differ in parts adding some variation to the streetscape. Priors Croft features a mix of building heights and roof designs which include two-storey buildings as well as taller four-storey buildings which sit among the two-storey developments. Larger buildings are also visible from the A247, High Street as acknowledged in the Council's delegation report.
7. The proposed development would introduce a part two-storey, part three-storey, and part four-storey building to the appeal site, stepping up in height from its flank edges. It would be finished chiefly in red brick to the elevations facing Grosvenor Court and Westminster Court. The elevations facing Prospect Place and the Nittan buildings would be finished in red brick to the ground floor and off-white render to the first and second floors with red brick detailing. The top floor would be finished in grey cladding to all elevations.
8. The proposed building would be set behind the Nittan building extending across much of its width. Parts of the proposal would be taller than this existing building and therefore visible from public vantage points within Hipley Street. I appreciate that Hipley Street is characterised by predominantly two-storey development, however, increases in height can create a visually interesting skyline adding value to a streetscape. However, it is important that this is done carefully to compliment the established character and appearance of the area.
9. The proposed development would be positioned behind existing buildings rather than being set between them and it would incorporate a varied roofline at two, three and four-storey height. This setback in combination with the stepping in scale and contrasting grey clad top floor would create a visually interesting and dynamic roofline while reducing its bulk and mass to the upper floors.
10. The proposed elevation facing Hipley Street would have an increased solid to void ratio with render and lighter touch brick detailing. While the elevation would have a reduced visual interest, it would be partly screened by the existing mix of flat roof and apex roof sections of the Nittan building. This would result in only partial sections of the proposed development being experienced along Hipley Street given the retention of the Nittan building.
11. This proposed building would also be relieved by the proposed vertical format windows, mix in materials of grey mansard roof cladding and occasional red brick detail with off-white render, whilst being appreciably screened by the existing Nittan building. These factors would ensure the successful integration of this part of the proposed development into the established streetscape of Hipley Street.
12. The character and appearance of the proposed development would, when viewed from other vantage points in the locality, sympathetically blend and integrate into the existing street scene given the existing surrounding buildings' comparative materials, detailing, bulk, scale, and massing. The separation and relative screening from Priors Croft and the A247 would also limit the proposed development's impact from these street scenes.

13. I have carefully considered the earlier appeal decisions for this site¹. While these are material considerations to my overall findings on this main issue, they are different as the bulk and mass of the top floor of these other schemes are much greater and do not feature off-white render detailing. The proposed development before me has considerably reduced the upper floor mass while introducing a further stepped roof design and render elevation facing Hipley Street. For these reasons, the current appeal has been considered on its own merits as set out in the preceding paragraphs.
14. Tying all these factors together, the proposed development's density, proportions, bulk, scale, massing, design and detailing would deliver a building that would have its own identity while also making a positive and acceptable contribution to the character and appearance of the area.
15. The proposed development therefore complies with the relevant provisions of Policies CS21 and CS24 of the Woking Core Strategy (2012). These, amongst other things, look to promote high quality design which responds to local distinctiveness and legibility of place.

Living Conditions

16. Twelve of the proposed units would be family accommodation and seven of these would be served by balconies of approximately 5.5sqm. Four other units would have larger balconies or terraces; however, Unit 19 would not have any private amenity space.
17. As noted in the earlier appeal², the balconies at 5.5sqm were considered likely to accommodate space for passive recreational activities such as drying of clothes, a small seating area and/or planting, but would not provide these in combination with space for children to play, or children's play equipment.
18. The proposed shared outdoor amenity area would extend across part of the appeal site. This outdoor amenity area would provide an accessible and convenient landscaped area where seating could be provided. Play equipment is shown on the proposed drawings sited away from Grosvenor Court with further boundary landscaping reducing any unacceptable neighbourly impact to these existing occupiers. The size and spread of the proposed outdoor amenity area would also moderate any concentration of users in one location.
19. Given its footprint would extend across the appeal site including a footway link to the proposed flats, users of the outdoor amenity area would benefit from a dedicated pedestrian route and would not have to cross the car park to access the outdoor amenity area. In addition, given its size and spread across the site, users of the outdoor amenity areas would have choice regarding shaded and sunlit areas as the path of the sun moves during the day.
20. The majority of family accommodation would therefore provide appropriate outdoor private space for most aspects of passive private recreation. Appropriate outdoor shared children's play areas and a wider outdoor amenity area would also be provided to supplement the private areas.

¹ Refs APP/A3655/W/22/3297063 and APP/A3655/W/21/3289205

² Paragraph 27, Ref: APP/A3655/W/22/3297063

21. However, private outdoor space would be non-existent at Unit 19 and this generates some harm. That said, the proposed development would provide a shared outdoor amenity area for all proposed units including Unit 19. Therefore, and taking the development in the round, it would, on balance, provide suitable spaces and layout for future occupiers.
22. The proposed development would as a result provide appropriate living conditions for future residential occupiers with particular reference to outdoor space for family sized units. It would therefore comply with the relevant provisions of Policy CS21 of the Core Strategy which, amongst other things, require development to provide appropriate levels of private and public amenity space.

Other Matters

Thames Basin Heaths Special Protection Area

23. The site lies within the zone of influence of the Thames Basin Heaths Special Protection Area ("SPA"), which is noted as an internationally important habitat for rare bird species. Increased recreational pressure arising from additional residents in the zone of influence could potentially have a likely significant effect on the habitat either alone or in combination with other projects, as some of the rare bird species it supports nest on the ground and could be disturbed by walkers or their dogs.
24. The evidence before me indicates that the proposed development would result in an adverse effect upon the integrity of the SPA. In these circumstances, permission could only be granted if, after undertaking an Appropriate Assessment ("AA"), it was found that adequate measures were in place as to avoid and mitigate the adverse effect.
25. To counter such adverse impacts, measures to limit recreational pressure through a combination of providing suitable alternative natural greenspace ("SANG") and strategic access management and monitoring ("SAMM") have been devised. SANG avoidance elements are encompassed with the Community Infrastructure Levy ("CIL"). However, the SAMM element is required to be addressed outside of CIL and the development could, through obligations contained in a legal agreement, provide financial contributions towards SAMM mitigation measures.
26. Policy CS8 of the Core Strategy together with the Thames Basin Heath Avoidance Strategy 2022 set out that the pressures from recreational activities can be appropriately controlled via SAMM and SANG. This approach was formulated based on the Thames Basin Heaths Special Protection Area Delivery Framework, produced by Natural England and its partners and as such I am satisfied that the mitigation measures proposed within it would be effective in this case.
27. I am also presented with a legal agreement which would secure a SAMM contribution. I have been provided with evidence which sets out a justified methodology for calculating an amount which would be index linked, and the figure in the legal agreement appears to be in line with this.
28. Therefore, the CIL and legal agreement provide adequate avoidance and mitigation and consequently I can be certain that there would be no adverse effect on the integrity of the SPA.

Affordable Housing

29. The Council has raised concerns regarding the lack of a mechanism to secure an affordable housing review at a later stage. The earlier Inspector³ noted that a supplementary planning document (“SPD”) referred to the use of an overage clause if affordable housing cannot be provided.
30. However, this Inspector also noted that the Framework is clear that an SPD is not part of the development plan⁴ and Planning Practice Guidance states that it is plans which should set out circumstances where review mechanisms may be appropriate⁵. Therefore, and based on the evidence before me, I find no reason to depart from the findings of the previous Inspector and find no conflict with the development plan through the absence of a review mechanism in this case.

Other Issues

31. The Council’s delegation report confirms the proposed development would comply with parking standards. The County Highway Authority have also considered the proposed development and raised no objection in respect of highway safety or inconvenience to other road users. Given there is limited evidence to suggest otherwise, I find this issue to be acceptable. In addition, any impact upon private roads would be a civil matter between interested parties.
32. The proposed development’s design and location in combination with its separation from existing residential properties will ensure it would not be unacceptably overbearing, generate an unacceptable loss of light, or create any unacceptable loss of privacy to these existing occupiers. There is also no evidence before me to suggest future occupiers of the proposed development would not enjoy appropriate living conditions.
33. The proposed development once occupied would generate some noise and activity. The evidence before me suggests that an industrial use existed at the site previously and it would be reasonable to say that any historic use would have also generated a degree of noise and activity. However, even if the earlier use did not, there is limited evidence before me to suggest twenty residential units would generate unacceptable noise or activity which would be to the detriment of neighbouring occupiers.
34. Interested parties have commented about the loss of property values. Planning is concerned with the use of land in the public interest, rather than the impact of development on individual property values⁶. As such, property values are not determinative in this instance.
35. Interested parties suggest local infrastructure is at ‘breaking point,’ however, there is limited evidence before me from providers, or users of infrastructure to robustly demonstrate these concerns. This therefore has limited bearing on my overall conclusions.
36. In regard to the quality of construction, the Building Regulations regime would ensure that construction should be undertaken safely and correctly.

³ Paragraph 39, Appeal Decisions Ref: APP/A3655/W/22/3297063 and APP/A3655/W/21/3289205.

⁴ Annex 2, Page 79.

⁵ Paragraph: 009 Reference ID: 10-009-20190509 of the Planning Practice Guidance.

⁶ Paragraph: 008 Reference ID: 21b-008-20140306 of the Planning Practice Guidance.

Conditions

37. The Council has suggested a list of twenty-one conditions which I have considered and where necessary amended in line with national policy and guidance. In the interest of certainty, conditions specifying time, and the approved plans are required. The details of materials, means of enclosure and landscaping are necessary to ensure the visual success of this proposed development and its integration into the locality.
38. Glazing and ventilation details are required in the interests of living conditions. Surface water drainage, contamination, impact piling, and refuse / recycling conditions are also necessary. A water condition is also required to make efficient use of resources within a water stressed area. Highway and parking conditions are necessary to ensure the development does not prejudice highway safety or inconvenience other highway users.
39. Suggested condition number seven has not been imposed as it repeated suggested condition six. Given the nature of the appeal site and the surrounding area it is reasonable and necessary to impose a further condition requiring a Construction Method Statement in the interests of maintaining existing living conditions during construction.

Conclusion

40. For the above reasons, having regard to the development plan as a whole and all other relevant considerations, the appeal is allowed subject to the conditions listed in the attached schedule.

N Praine

INSPECTOR

Schedule of Conditions (21 in total)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out, completed, and retained in accordance with the following approved plans:

29459E/10 Rev P2 received by the Local Planning Authority on 01.12.2023
29459E/11 Rev P2 received by the Local Planning Authority on 01.12.2023
29459E/100 Rev P6 received by the Local Planning Authority on 01.12.2023
29459E_101 Rev G received by the Local Planning Authority on 01.12.2023
29459E_103 Rev G received by the Local Planning Authority on 01.12.2023
29459E/150 Rev P1 received by the Local Planning Authority on 02.02.2024
29459E/200.1 Rev A received by the Local Planning Authority on 29.01.2024
29459E/200.2 Rev A received by the Local Planning Authority on 29.01.2024
29459E_201 Rev J received by the Local Planning Authority on 01.12.2023
29459E_202 Rev P2 received by the Local Planning Authority on 01.12.2023
29459E_203 Rev P2 received by the Local Planning Authority on 01.12.2023
29459E_300 Rev J received by the Local Planning Authority on 01.12.2023
29459E_301 Rev J received by the Local Planning Authority on 01.12.2023
29459E_302 Rev C received by the Local Planning Authority on 01.12.2023
29459E_303 Rev A received by the Local Planning Authority on 01.12.2023
7744.HSP.1.0 Rev E received by the Local Planning Authority on 01.12.2023
- 3) Notwithstanding the material details outlined on the submitted plans, No above ground development associated with the development hereby permitted shall commence until details and/or samples and a written specification of the materials to be used in the external elevations, hard surfaced areas and boundary walls have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.
- 4) Prior to the commencement of any above ground works in connection with the development hereby permitted (excluding demolition), a hard and soft landscaping scheme showing details of shrubs, trees and hedges to be planted, details of materials for areas of hardstanding and details of boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the occupation of the buildings or the completion of the development (in that phase) whichever is the sooner and 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. The development shall be carried out and thereafter retained in accordance with the approved details.
- 5) No above ground development associated with the development hereby permitted shall commence until details of all screen and boundary walls, fences, hedges and any other means of enclosure have been submitted to and approved

in writing by the Local Planning Authority. The means of enclosure will be implemented fully in accordance with the approved details prior to the occupation of any part of the development and thereafter maintained to the height and position as approved. Any hedges and planting which die or become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced during the next planting season with specimens of the same size and species.

- 6) Prior to the commencement of the development hereby permitted written evidence must be submitted to, and approved in writing by, the Local Planning Authority demonstrating that dwellings within the development will achieve a maximum water use of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence must be in the form of a Design Stage water efficiency calculator. Development must be carried out wholly in accordance with such details as may be approved and the approved details must be permanently maintained and operated for the lifetime of the development.
- 7) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 8) No part of the development shall be first occupied unless and until the proposed vehicular/ pedestrian / cycle access to Hipley Street has been constructed and provided with suitable pedestrian crossing with tactile paving and a speed table at the access junction with Hipley Street in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the access shall be provided with pedestrian visibility zones and kept permanently clear of any obstruction over 1.05m high.
- 9) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be permanently retained and maintained for their designated purposes.
- 10) Prior to the occupation of the development hereby permitted, the cycle parking and any associated facilities shown on the approved plans shall be fully implemented and made available for use. The cycle parking and any associated facilities shall thereafter be retained and maintained for use by the occupants of and visitors to the development at all times.
- 11) Prior to the commencement of development, a comprehensive, written environmental desktop study report shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it

may specify). The report to be submitted shall identify and evaluate possible on and off-site sources, pathways and receptors of contamination and enable the presentation of all plausible pollutant linkages in a preliminary conceptual site model. The study shall include relevant regulatory consultations and shall be prepared in accordance with the current best practice and guidance such as Land contamination risk management (LCRM) and British Standard BS 10175.

- 12) Prior to the commencement of development and any contaminated land site investigations on site and in follow-up to the environmental desktop study report a contaminated land site investigation proposal shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). This proposal shall provide details of the extent and methodologies of sampling, analyses and proposed assessment criteria required to enable the characterisation of the plausible pollutant linkages identified in the preliminary conceptual model. Following approval, the Local Planning Authority shall be given a minimum of two weeks written prior notice of the commencement of site investigation works on site. The site investigation works shall then be undertaken in accordance with the approved details.
- 13) Prior to the commencement of the development a contaminated land site investigation and risk assessment, undertaken in accordance with the approved site investigation proposal, that determines the extent and nature of contamination on site and reported in accordance with the current best practice and guidance such as Land contamination risk management (LCRM) and British Standard BS 10175, shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). If applicable, ground gas risk assessments should be completed in line with CIRIA C665 guidance.
- 14) Prior to the commencement of the development a detailed remediation method statement shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). The remediation method statement shall detail the extent and method(s) by which the site is to be remediated, to ensure that unacceptable risks are not posed to identified receptors at the site and shall detail the information to be included in a validation report. The remediation method statement shall also provide information on an suitable discovery strategy to be utilised on site should contamination manifest itself during site works that was not anticipated. The Local Planning Authority shall be given a minimum of two weeks written prior notice of the commencement of the remediation works on site. The development shall then be undertaken in accordance with the approved details.
- 15) Prior to the first occupation of the development hereby permitted, a remediation validation report for the site shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail evidence of the remediation, the effectiveness of the remediation carried out and the results of post remediation works, in accordance with the approved remediation method statement and any addenda thereto, so as to enable future interested parties, including regulators, to have a single record of the remediation undertaken at the site. Should specific ground gas mitigation measures be required to be incorporated into a development the testing and verification of such systems shall have regard to

current best practice and guidance for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

- 16) Contamination not previously identified by the site investigation, but subsequently found to be present at the site shall be reported to the Local Planning Authority as soon as is practicable. If deemed necessary development shall cease on site until an addendum to the remediation method statement, detailing how the unsuspected contamination is to be dealt with, has been submitted to and approved in writing to the Local Planning Authority (including any additional requirements that it may specify). The development shall then be undertaken in accordance with the approved details. Should no further contamination be identified then a brief comment to this effect shall be required to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.
- 17) Prior to the first occupation of the development hereby permitted, the refuse and recycling facilities shown on the approved plans shall be made available and thereafter be permanently retained for use at all times.
- 18) No above ground development associated with the development hereby permitted shall commence until details of glazing specification and ventilation have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to the first occupation of the development and shall be thereafter permanently retained.
- 19) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+45% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy and include additional sustainable drainage elements that promote multifunctional benefits.

Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.

A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

Details of drainage management responsibilities and maintenance regimes for the drainage system. Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

- 20) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.
- 21) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) delivery, demolition and construction working hours; and
 - v) methods to control noise and vibration during construction.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

End of Schedule