



Appeal Decision

Site visit made on 2 June 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 JULY 2025

Appeal Ref: APP/A3655/W/24/3355653

2 Pondhue Cottages, Anchor Hill, Knaphill, Woking, Surrey GU21 2HL

- 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 Peter Van Eusom against the decision of Woking Borough Council.
 - The application Ref is PLAN/2024/0034.
 - The development proposed is described as removal of garage from existing rear garden and construction of a new three bedroom detached house in the garden between the houses at no`s. 2 and 3 Pondhue Cottages to include a cycle shed and two no. parking bays.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As a part of their submission the appellant has provided an amended plan which clarifies the internal measurements of bedroom 3, as well as a Highways Rebuttal Note. The appeals procedural guide¹ makes it clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. The Holborn Studios judgement² refined the long-standing principles set out in *Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]*.
3. Having regard to the principles established in Holborn Studios, the proposed modification shown on the submitted plan would not be a substantive difference to the original application. The Highways Rebuttal Note provides further clarification on the parking and access arrangements of the submitted scheme. As such, this information does not substantially alter the nature of the proposal. The appeals procedure has given the Council and any interested parties, including relevant consultees, the opportunity to view and comment on this additional information. As such, I am satisfied that no prejudice would occur to any party as a result of my consideration of their content. For the avoidance of doubt, my decision on this appeal is based on the revised plan and Highways Rebuttal Note.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area;

¹ Procedural Guide: Planning Appeals – England (2025)

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWCH 2823 (Admin)

- the effect of the proposal on highway safety;
- the effect of the proposed development on the living conditions of the present occupiers of No 2 Pondhue Cottages, with particular reference to the provision of private outdoor space and outlook; and
- whether the proposed development would provide suitable living conditions for future occupiers, with regard to the provision of private outdoor space and internal space.

Reasons

Character and appearance

5. The appeal site is located in Anchor Hill. The building line is informal in the vicinity of the site, and some dwellings are substantially set back from the edge of the highway. Although there are instances where buildings are sited close to one another, generally the dwellings have noticeable gaps between them and are set at different orientations towards the road. This arrangement provides the road with a sense of space. The land levels of Anchor Hill drop towards the northeast, which in turn results in the roof lines of the dwellings along the road also decreasing as the built form responds to the variation in ground levels.
6. The appeal site accommodates a two-storey semi-detached dwelling positioned to the front of a relatively wide plot with a generous side garden, which is larger when compared with other gaps between dwellings. Thus, this largely undeveloped space makes a positive contribution to the character and appearance of the area, by adding a sense of space and establishes a clear visual break between the existing dwellings.
7. The proposal seeks to construct a substantial detached two storey dwelling within the side garden of 2 Pondhue Cottages (No 2). Despite the lack of consistency of plot size within the road, the proposed plot would not be particularly wide. Consequently, the dwelling would be provided with negligible gaps to the side boundaries. As such, because of its scale and siting, the proposal would erode the contribution that the existing garden makes to the sense of space within the street scene, and this harm would not be mitigated by the small gaps that would be provided to the flank walls of No 2 and of 3 Pondhue Cottages (No 3). Therefore, the proposal would appear uncomfortably cramped in its receiving context.
8. Although the dwelling would be externally finished in appropriate materials, its eaves would be taller than those of Nos 2 and 3. Consequently, rather than providing a comfortable transition between these dwellings, the proposal would appear out of scale with both and would be a visually discordant feature in the street scene. This would only emphasise the restricted size of the plot and the resultant contrived appearance of the development.
9. The proposal would have a harmful effect on the character and appearance of the area. It would be contrary to Policies CS10 and CS21 of the Woking Core Strategy 2012 (CS) and to Policies DM10 and DM11 of the Development Management Policies Development Plan Document 2016. Among other things, these policies seek to preclude the inappropriate sub-division of existing curtilages, support development that presents a frontage and visual separation between buildings in

keeping with the existing street scene and support attractive buildings that respect and make a positive contribution to the character of the area.

Highway safety

10. There is an existing footpath off Highclere Road which is a public right of way (PRoW) and runs to the rear of the dwellings on Anchor Hill. This footpath is used to provide vehicular access to the garages and parking spaces belonging to Nos 1, 2 and 3 Pondhue Cottages and to Lake View.
11. The appeal scheme would create three parking spaces to the rear of the site, two of which would serve the new dwelling. It is proposed that these spaces are accessed via the existing footpath, and the space available at the rear of the properties would be used for manoeuvring.
12. The Highways Rebuttal Note (HRN) includes a swept path analysis. This shows that, in order to access the westernmost parking space on the new plot, cars would have to manoeuvre within an area which is shown as having a retaining wall in the proposed floor plans. As such, I am not satisfied that there would be sufficient space within the turning area for a vehicle to turn and access this parking space in a safe manner. Consequently, the proposal may result in vehicles reversing onto the footpath, either to enter or exit the site, thereby increasing the risk of them colliding with other vehicles, pedestrians and cyclists.
13. CrashMap data confirms there have been no vehicular accidents reported near or at the access point over the past 24 years. However, in the absence of robust evidence to demonstrate that there would be suitable manoeuvring space to allow a vehicle to safely access the westernmost parking space, the additional volume of traffic associated with the proposal, while low, would nonetheless introduce additional danger.
14. The swept path analysis shows that a delivery van would be able to safely use the turning head to exit in a forward gear towards Highclere Road. However, this would not overcome the harm that I have identified above.
15. Therefore, the proposal would have a harmful effect on highway safety. It would be contrary to CS Policies CS18 and CS21, which seek to ensure that development proposals mitigate safety impacts and support development that creates safe environments.

Living conditions – present occupiers of the host dwelling

16. The proposed dwelling would be two-storey, positioned very close to the joint boundary with No 2. Although the dwelling would for the most part be adjacent to the passageway within No 2, given its height, bulk, and gable roof design, together with the projection beyond the rear extension of No 2, the proposal would loom large in views from a proportion of the rear garden of No 2. Therefore, while side elevations with limited architectural features are not uncommon, a dwelling in this location would appear as a dominant feature that would harm the outlook of the occupiers at No 2, to the detriment of their living conditions.
17. The appellant draws my attention to the relationship between No 1 and its other neighbour. I observed in my site visit that the rear elevations of these properties are broadly aligned at two storey height, which would not be the case with the scheme before me, whereby the new dwelling would project beyond the rear

extension of No 2. As such, this example would not be comparable with the appeal proposal.

18. The Outlook, Amenity, Privacy and Daylight Supplementary Planning Document 2022 advises that family accommodation should be provided with a suitable area of private garden generally no smaller than the building footprint. The space should be sunlit and appropriate in size and shape for the outdoor domestic and recreational needs of the family it is intended to support.
19. The Council indicates that No 2 would be provided with a garden space measuring approximately 58m². This would be larger than the footprint of the existing dwelling, which the Council advises measures roughly 45m². The appellant does not dispute these figures. As such, the proposed garden space would be adequate to meet the needs of its occupiers.
20. Given the above, the proposal would not have a harmful effect on the living conditions of the occupiers of No 2 with reference to the provision of private outdoor space. However, it would have a harmful effect on the occupiers of No 2, with particular reference to outlook. In this regard, the scheme would be contrary to CS Policy CS21, which supports development that achieves a satisfactory relationship to adjoining properties avoiding an overbearing effect due to bulk and proximity.

Living conditions – future occupiers

21. The garden space of the proposed dwelling would be smaller in area than the footprint of the building. However, the space would be functional and usable, with adequate space for typical garden activities such as sitting or dining outside, children's play, hanging washing and gardening. Therefore, the proposed outdoor space would be suitable to support the needs of future residents.
22. The Technical Housing Standards – Nationally Described Space Standard (2015) sets out that in order to provide one bedspace, a single bedroom should be at least 2.15m wide. The plan provided with this appeal shows that bedroom 3 would achieve this. As such, the proposal would be acceptable in this regard.
23. Therefore, the proposed development would provide suitable living conditions for future occupiers, with regard to the provision of private outdoor space and internal space. In this regard, it would accord with CS Policy CS21, insofar as it seeks to avoid harm to general amenity.

Other Matters

24. The appellant suggests that the proposal would constitute the development of previously developed land (PDL). However, the definition of PDL as set out in the National Planning Policy Framework excludes land in built-up areas such as residential gardens and I have no specific evidence before me to conclude that the proposal would constitute PDL.
25. The appeal site is located within the 400m to 5km buffer zone of the Thames Basin Heaths Special Protection Area, which is protected under the Conservation of Habitats and Species Regulations 2017 (as amended) (the regulations). In this regard, a unilateral undertaking is submitted which would secure a mitigation payment in relation to the requirements set out in the Thames Basin Heaths Avoidance Strategy. However, Regulation 63(1) of the Regulations indicates that

the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeal is being dismissed on other grounds it is not necessary to consider this matter further.

Planning Balance and Conclusion

26. The appeal proposal would contribute to the housing stock within the Borough and deliver new housing in an accessible location close to local shops. However, given that the proposal comprises one dwelling, these benefits attract limited weight in favour of the appeal scheme and do not outweigh the harm that I have identified.
27. 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. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR