



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: 17 July 2025

Appeal Ref: APP/A3655/W/24/3353273

Lime Trees, Popes Lane, Horsell, Woking, Surrey GU21 4DE

- 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 and Mrs Price against the decision of Woking Borough Council.
 - The application Ref is PLAN/2024/0350.
 - The development proposed is described as ancillary attached annexe.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views, and the revised version has been taken into account in this decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on protected species and biodiversity;
 - whether the proposal would involve the creation of a separate residential unit;
 - the effect of the proposed development on the character and appearance of the host dwelling and of the surrounding area; and
 - whether the proposal would make adequate provision for any impact upon the Thames Basin Heaths Special Protection Area (SPA).

Reasons

Protected species and biodiversity

4. The appeal site lies within a sylvan, suburban area, whereby trees and other vegetation are present within the site and surrounding gardens. The site is close to the Woodham Common Site of Nature Conservation Importance.
5. The part of the site where the proposal would be located is well vegetated and contains a small pond, which would be infilled as a result of the proposed

development. While the pond may have only recently been installed, given the vegetated nature of the site and its surrounding context, it cannot be ruled out the possibility that the site could potentially accommodate and / or provide foraging opportunities for protected species, including great crested newts.

6. Current advice¹ states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant considerations may not have been addressed in making the decision.
7. In the absence of an ecological assessment or any survey work, the effect of the development on protected species and habitats, and the ability to mitigate any harm, is unknown. Given my responsibilities to protected species, the necessary confirmation of the accurate extent of great crested newts on site, and the formation of potentially sufficient or proportionate mitigatory measures are matters that cannot be left to a condition.
8. Furthermore, little details have been provided to demonstrate the potential for on-site biodiversity gains.
9. Consequently, there is insufficient evidence to demonstrate that the proposal would have an acceptable effect on protected species and biodiversity, contrary to the relevant provisions of Woking Core Strategy 2012 (CS) Policy CS7. This policy, in summary, seeks to conserve and protect existing biodiversity and requires development proposals to contribute to the enhancement of existing biodiversity.

Separate residential unit

10. The proposal, which was submitted to the Council and validated as a householder, seeks to construct a single storey structure on land associated with Lime Trees. It would measure approximately 52m² and would be connected to the garage of Lime Trees, which in turn is attached to the dwelling. It is set out that the building would be for accommodation ancillary to the main dwelling, in particular for family members to use.
11. Policy DM9 of the Development Management Policies Development Plan Document 2016 (DPD) sets out that ancillary residential extensions will be permitted provided that they share a common access with the main dwelling and are physically incorporated within it and are designed in such a way that renders them incapable of being occupied separately from the main dwelling.
12. As indicated, the proposed development would not contain all facilities required for independent occupation, since a kitchen would not be provided. This layout would not encourage the use of the accommodation independently of the host dwelling and would therefore ensure that the annexe would have a connection to the primary activities of its host.
13. While the annexe could be accessed separately via an external door, it would be internally linked to the host dwelling through the existing garage. This would facilitate frequent interactions and comings and goings between both buildings. There would be, therefore, a functional link between the proposed annexe and the main dwelling.

¹ Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation and 9.2.4 BS 42020:2013 Biodiversity Code of Practice.

14. The Council has referred to the Nationally Described Space Standard, noting that the size of the proposal would be comparable to the minimum gross internal floor area for a 1-bedroom 2-person dwelling. However, the annexe is intended for the occupation of two elderly residents and therefore the proposed floorspace would be reasonable in this regard. Moreover, the proposal would be significantly smaller in scale than the main dwelling.
15. There would be areas of outdoor space to the front, side and rear of the annexe which would be separate from the main garden space that serves the host dwelling. However, these are narrow strips of land, enclosed by tall fencing or facing the car parking area. As such, while part of this outdoor space would have some privacy, the space would have limited usability. Therefore, the future occupants of the annexe would likely share the garden space with the host dwelling.
16. The proposal would not involve the physical subdivision of the existing plot, and the appellant indicates that the annexe would have no separate parking, address, post box, utility meters and services, so these would be shared with the main dwelling. As such, the annexe would be reliant on its host.
17. Whilst the Council asserts that the proposed building could be capable of independent residential occupation, this is based on the hypothetical eventuality of the internal door being blocked and a kitchen installed. There is limited evidence before me to indicate that this would be the case. A separate independent dwelling is not sought as part of the appeal proposal, and this is reflected in the description of development applied for. In any event, the use of the annexe as an independent dwelling would require planning permission in its own right and the merits of such a proposal would be considered at that time.
18. In light of the above, the proposal would not involve the creation of a separate residential unit. The scheme would therefore accord with DPD Policy DM9, which supports ancillary residential accommodation.

Character and appearance

19. Lime Trees is located at towards the rear of Popes Lane, a gated small cul-de-sac off Elm Road which is formed of a limited number of detached dwellings and their garages. The appeal site accommodates a detached two-storey dwelling with an attached garage. The property has a private garden area to the rear of the host dwelling and a landscaped area near the garage.
20. The existing property has a linear footprint which occupies part of the width of the head of the cul-de-sac. The proposed annexe would be attached to the existing garage and therefore would increase the spread of development across the plot in a linear manner. However, while part of the planted area to the side of the garage would be lost, the proposal would be provided with a gap to its side boundary, which would provide visual separation and avoid a cramped appearance.
21. The Council's first reason for refusal refers to the creation of a pair of semi-detached dwellings, which would harm the character of the surrounding area. However, as discussed above, the proposal would not result in a separate residential unit. Further, when seen in the context of the main house, the annexe would be subordinate and appropriate in scale, so despite the presence of the access door and windows, it would be perceived as an ancillary building.

22. Thus, the proposal would not have a harmful effect on the character and appearance of host dwelling and of the surrounding area. It would accord with CS Policies CS21 and CS24 which support the creation of attractive buildings that make a positive contribution to the street scene and conserve the existing character.

Thames Basin Heaths SPA

23. The appeal site lies within the 5km buffer of the Thames Basin Heaths SPA. The Updated Thames Basin Heath Avoidance Strategy 2022 (Avoidance Strategy) applies to development proposals that will result in a new net additional dwelling. As the appeal proposal relates to ancillary accommodation, and not to any new dwelling units, the requirements of the Avoidance Strategy are not applicable.
24. Given such, I find that provision is not required in relation to any impacts upon the SPA. Therefore, CS Policies CS8 and CS17, and saved Policy NRM6 of the South East Plan 2009 are not relevant to my consideration of the proposal.

Conclusion

25. 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