



Appeal Decision

Site visit made on 27 August 2025

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 SEPTEMBER 2025

Appeal Ref: APP/A3655/W/25/3360437

4 Knightswood, Woking, Surrey GU21 3PY

- 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 Liesl Park on behalf of Domalia UK Ltd against the decision of Woking Borough Council.
 - The application Ref is PLAN/2024/0513.
 - The development proposed is a pair of new attached dwellings following the demolition of the existing dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Revised plans were submitted which show the footprint of the conservatory at neighbouring dwelling, no 6. No party would be prejudiced by my consideration of the revised plans which include no changes to the development proposed.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupants of no 6 Knightswood, with particular regard to outlook;
 - Whether the proposal takes a sequential approach to the location of development so as to avoid development within areas at risk of flooding and prioritise development in areas with the lowest risk of flooding; and
 - The effect of the proposal on biodiversity, with particular regard to hedgerow habitats, and whether the biodiversity gain condition as set out at Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) is capable of being successfully discharged.

Reasons

Character and appearance

4. Knightswood is a winding cul-de-sac within a modern housing estate with a stepped building line, open frontages, and amenity land with trees and shrubs. The area has a suburban character.

5. The appeal site is a marginally wider plot which incorporates a strip of land between the garage and a pedestrian footway. However, dwellings along Knightswood are generally evenly spaced.
6. The site is within the built-up area and near a road junction. There are a mix of dwelling types and designs within the surrounding area, and many dwellings have been altered or extended. Therefore, there is variety in the character of dwellings in the area.
7. However, the appeal property is a two-storey, link detached dwelling, set back behind a driveway. It is typical of dwellings within the surrounding area, particularly with its distinctive, flat-roofed single storey front and side projections. Notably, the appeal property is of similar form and appearance to nos 2, 6, 61, 63, and 65 which front onto Knightswood and contribute uniformity to the street scene.
8. Whilst the link-detached dwellings are adjoined at the ground floor by flat-roofed projections, visual separation is maintained at first floor level. The proposal involves demolition of the existing link-detached dwelling and construction of two semi-detached dwellings which would differ significantly in form and appearance from existing dwellings. The proposal would therefore interrupt the consistent appearance of the dwelling row along Knightswood.
9. Relative to adjacent plots, the proposed dwelling plots would appear narrow. The reduced plot width would be conspicuous in the street scene, disrupting the pattern of development in the area. In addition, the proposed dwellings would be attached and would extend close to the side boundaries. The proposed dwellings would appear cramped within the site and would erode the area's spacious character.
10. Therefore, the proposal would harm the character and appearance of the area.
11. The proposal would fail to comply with Policy DM10 of the Woking Development Management Plan Development Plan Document 2016, which sets out criteria for the development of garden land. In particular, (i) that the development would not involve inappropriate subdivision of the existing curtilage to a size substantially below that prevailing in the area, and (ii) that the development presents a frontage in keeping with the existing street scene or prevailing layout of streets in the area, including frontage width, and visual separation between buildings.
12. The proposal would conflict with Policy CS24 of the Woking Core Strategy 2012 (WCS), which requires proposals provide a positive benefit in terms of townscape character and local distinctiveness, and WCS Policy CS21 which requires development respect and make a positive contribution to the street scene and the character of the area, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.

Living conditions

13. The proposed dwellings would be of two-storey height with a dual-pitched roof. The gable end of the plot 2 dwelling would be close to the site's southern boundary. Due to its narrow width, the footpath which runs next to the site boundary would offer only modest separation between the gable end of the plot 2 dwelling and neighbouring dwelling, no 6.
14. No 6 is a two-storey dwelling with a single-storey conservatory at the rear. The proposed plot 2 dwelling would be set back in the plot and would project

significantly beyond no 6's two-storey rear elevation and would extend further back than the footprint of no 6's conservatory.

15. The proposed obscured window seeks to break up the proposed flank elevations. However, due to its siting, height and mass, the plot 2 dwelling would have a harmful enclosing effect on no 6's rear-facing rooms and back garden from which it would appear oppressive and visually dominant.
16. The proposed development would therefore have an adverse impact on outlook from no 6 and would thus harm the living conditions of its occupants.
17. The proposal would conflict with WCS Policy CS21 which requires development achieve a satisfactory relationship to adjoining properties, avoiding significant harmful impact from an overbearing effect due to bulk, proximity, or outlook.

Flood risk

18. The Council's Strategic Flood Risk Assessment 2015 (SFRA) indicates the proposed development would be located partly on land at medium risk of surface water flooding and would be wholly reliant on access/egress across land at very high, high and medium risk of surface water flooding.
19. Government's new National Flood Risk Assessment (NaFRA) was published in 2025 to assist in making decisions about the location and design of new development and in producing flood risk assessments, and accounts for climate projections. The NaFRA indicates the site is at very low risk of surface water flooding. Therefore, there is conflict between the flood risk data for the site presented in the SFRA and NaFRA.
20. I have been provided no details of any recent measures or works to which a reduction in surface water flood risk can be attributed. The Council indicate the SFRA was generated from a digital terrain model which takes into account catchment areas and suggest it is more detailed than the national model utilised by the NaFRA. Government's guidance advises that local modelling of flood risk often captures important local features better than national modelling¹.
21. It is unclear if the NaFRA demonstrates a real reduction in flood risk or is the consequence of methodological discrepancies or sensitivities. Whilst the NaFRA was published more recently than the SFRA, I am unconvinced it wholly replaces local flood risk data, and do not consider that the SFRA should not be relied upon.
22. Since the proposal contains no information to demonstrate the sequential test would be satisfied, I cannot be certain there are no reasonably available sites to accommodate the proposed development in areas with a lower risk of flooding. Therefore, the proposal fails to demonstrate it accords with the sequential approach to the location of development so as to avoid development within areas at risk of flooding and prioritise development in areas with the lowest flood risk.
23. The proposal therefore conflicts with WCS Policy CS9, which requires proposals be determined in accordance with the National Planning Policy Framework, including taking a sequential approach to all developments in areas at risk of flooding, and that application of the Sequential Test be informed by the SFRA.

¹ <https://www.gov.uk/guidance/updates-to-national-flood-and-coastal-erosion-risk-information#new-national-flood-risk-assessment-nafra>

Hedgerow habitat and Biodiversity Net Gain

24. The Preliminary Ecological Appraisal and Preliminary Roost Assessment (PEA/PRA) indicates a section of native hedgerow along the site's southern boundary, comprising hawthorn, firethorn, and holly, of moderate condition. The native hedgerow is approximately 13m in length and, as indicated in Appendix 1 of the PEA/PRA, is enclosed between sections of non-native hedgerow and fence boundary treatments. The PEA/PRA identifies no roosts, nests or breeding habitats for protected species within the hedgerow.
25. On the basis of its short length, disconnected from other distinct woody boundary features, lack of number of woody species, and absence of fauna, the hedgerow would not meet the UK Biodiversity Action Plan Priority Habitat description or the criteria of The Hedgerows Regulations 1997. Therefore, I am satisfied the PEA/PRA demonstrates the site's native hedgerow would not qualify as a Habitat of Principal Importance and is not an "important" hedgerow.
26. Biodiversity Net Gain (BNG) is a mandatory requirement of Schedule 7A of the Town and Country Planning Act 1990 (TCPA) (as inserted by Schedule 14 of the Environment Act 2021). The statutory framework for BNG involves the discharge of the biodiversity gain condition following the grant of planning permission. The determination of the Biodiversity Gain Plan (BGP) under this condition is the mechanism to confirm whether the development meets the biodiversity gain objective and development cannot commence until the BGP is approved. The Planning Practice Guidance indicates it would generally be inappropriate to refuse an application on grounds the biodiversity gain objective will not be met but indicates decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged².
27. The submitted Biodiversity Net Gain Assessment sets out how the proposal would increase the site's habitat value through an uplift in area-based and linear-based habitat units. As illustrated on the Post Development Habitat Plan³, this would include creation of vegetated garden through a change of areas of existing sealed surface, and creation of new native hedgerow along the side and rear boundary.
28. DEFRA's Statutory Biodiversity Metric User Guide 2025⁴ notes that the post-development private garden has no public access and biodiversity net gains cannot be legally secured. The DEFRA guide advises that, when assessing habitat changes within a private garden, the creation of any new habitats should only be recorded as an urban vegetated or unvegetated garden habitat type, and the enhancement of any habitats recorded within the baseline should not be recorded. Therefore, the proposed creation of native hedgerow within private gardens should not be recorded within the site's post-development habitat value.
29. The proposed creation of vegetated garden would exceed the mandatory 10% biodiversity net gain requirement. However, the TCPA requires the post-development biodiversity value be maintained for at least 30 years. I have been provided no mechanism to ensure the site's biodiversity value would be maintained and monitored, or to enforce against any habitat loss. Therefore, I

² Planning Practice Guidance, Paragraph: 019 Reference ID: 74-019-20240214

³ Appendix 4, Biodiversity Net Gain Assessment. Arbtech 2024

⁴ p56, Department for Environment Food & Rural Affairs, The Statutory Biodiversity Metric User Guide, last updated: 3 July 2025

cannot be certain that the post-development biodiversity value would persist over the long term.

30. As set out above, the proposal demonstrates the proposed development would not harm important hedgerows or Habitats of Principal Importance. However, the proposal contains insufficient information to demonstrate the BNG condition is capable of being successfully discharged. Therefore, the proposal fails to demonstrate that it would not have an adverse impact on biodiversity.
31. The proposal would not comply with WCS Policy CS7 which requires development proposals contribute to the enhancement of existing biodiversity features.

Other Matters

32. The appellant suggests that in determining the proposal the Council was influenced by previous applications. However, consistency is an important tenet of the planning system. Whilst the design of the current proposal differs from a scheme previously dismissed at appeal⁵, it is similar insofar as it would subdivide the site to form narrow plots with a reduced frontage width.
33. The site is within 5km of the Thames Basin Heath Special Protection Area (SPA), a European site afforded protection by The Conservation of Habitats and Species Regulations 2017 (as amended). Residential development in this area is likely to have a significant effect on the interest features of the SPA through increased urbanisation and recreational pressure.
34. Where a proposal is likely to have significant effects on European sites, Regulation 63 of the Habitats Regulations requires the competent authority carry out an Appropriate Assessment (AA). During the appeal, a legal agreement to secure payment in accordance with the Council's Strategic Access Management and Monitoring (SAMM) tariff for the purpose of mitigating the effects of the development on the SPA was submitted. However, AA is only necessary where the competent authority is minded to grant consent for the proposal. Since I am dismissing the appeal on the basis of other identified harms, AA is not required. Therefore, it is not necessary to consider further the effects of the development and proposed mitigation on the SPA.

Conclusion

35. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

E Dade

INSPECTOR

⁵ APP/A3655/W/17/3192058