
Appeal Decision

Site visit made on 10 November 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2025

Appeal Ref: APP/A3655/W/25/3371826

The Beeches, Wych Hill Lane, Woking GU22 0AH

- 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 Johnson against the decision of Woking Borough Council.
 - The application Ref is PLAN/2024/0800.
 - The development proposed is described as ‘the construction of a two-storey rear infill extension and part first floor rear extension to provide 1no. additional two-storey, two-bedroom unit, as well as alterations to the roof including the removal of a chimney breast and the addition of rooflights and enlargement of existing front balconies; all together with all other minor internal alterations’.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a two-storey rear infill extension and part first floor rear extension to provide 1no. additional two-storey, two-bedroom unit, as well as alterations to the roof including the removal of a chimney breast and the addition of rooflights and enlargement of existing front balconies at The Beeches, Wych Hill Lane, Woking GU22 0AH in accordance with the terms of the application, Ref PLAN/2024/0800, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Johnson against the decision of Woking Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The spelling of ‘The Beeches’ in the banner heading and decision has been altered to reflect the spelling on the appeal form and signage observed during my site visit. The decision paragraph also removes reference to minor internal alterations since this is not an act of development.
4. The Council has previously refused planning permission for extensions and alterations to provide one additional dwelling at the appeal site¹. The most recent refusal was dismissed at appeal in February 2025² (‘the previous appeal’). Although the current proposal differs from those previously considered, I have had regard to the previous decisions insofar as they are relevant to the matters in dispute.
5. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation,

¹ Council refs: PLAN/2023/1024 and PLAN/2024/0414

² Appeal ref: APP/A3655/W/24/3350364.

these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issues

6. The main issues are:

- whether the site would be a suitable location for the proposed development, with specific regard to flood risk; and
- the effect of the proposed development on the integrity of the Thames Basin Heaths Special Protection Area (TBSPA).

Reasons

Flood risk

7. The main parties refer to updated Planning Practice Guidance (PPG)³ published during the appeal process. This update clarifies the application of paragraph 175 of the Framework in relation to the sequential test. The guidance confirms that a proportionate approach should be taken. Where a site-specific flood risk assessment (FRA) demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere, then the sequential test need not be applied.
8. The Council advises that parts of the appeal site contains land identified at medium and high risk of surface water flooding according to its Strategic Flood Risk Assessment (2015). Following analysis, the appellant's FRA concludes that the actual risk of surface water flooding on the appeal site is low, and limited to the car parking area which consists of gravel over a permeable base. The FRA further recommends a precautionary approach and sets out various mitigation measures including in relation to finished floor levels and the implementation of a detailed surface water drainage scheme, based on sustainable drainage principles.
9. The Lead Local Flood Authority advises that further information would be required in this regard, to demonstrate how surface water would be effectively managed. It is reasonable to secure the provision of further details through a planning condition. Therefore, having regard to the updated PPG, the reason for dismissing the previous appeal in this regard has been addressed and it has been demonstrated that a sequential approach to surface water flood risk is not necessary in this case.
10. Subject to a condition to secure flood risk mitigation measures, I conclude that it has been demonstrated that the site would be a suitable location for the proposed development, with specific regard to flood risk. In this regard, the proposal would comply with Policy CS9 of the Woking Core Strategy (2012) (CS) which among other things seeks to ensure that planning applications reduce the risk from surface water flooding.

³ Paragraph: 027 Reference ID: 7-027-20220825 of Flood risk and coastal change – Gov.UK updated 17 September 2025

Thames Basin Heaths Special Protection Area (SPA)

11. The Thames Basin Heaths Special Protection Area (SPA) is a European Site designated for its habitat supporting internationally important ground-nesting bird species, including nightjars, woodlarks and Dartford Warblers. The appeal site lies within 5km of the SPA and it has been established that residential development within this zone is likely to cause harm to the protected area through increased recreational disturbance. As the proposal is for an additional dwelling, and when considered in combination with other developments, it would be likely to have a significant effect on the integrity of the SPA.
12. Policy CS8 of the CS requires new residential development beyond a 400m threshold, but within 5km of the SPA to make an appropriate contribution towards mitigation. This includes a financial payment for Strategic Access Management and Monitoring (SAMM).
13. The Conservation of Habitats and Species Regulations 2017, requires that where a project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the competent authority must before any grant of planning permission undertake an Appropriate Assessment (AA).
14. In this case, a Section 106 agreement to secure the required contribution has been submitted by the appellant and the Council has confirmed that this is acceptable to them. Natural England has been consulted as part of this AA and is content that the measures secured would mitigate the adverse effects associated with the proposed development, relieving pressure on the habitat site. The reason for dismissing the previous appeal in this regard has therefore been addressed.
15. Following an AA as the competent authority, I am satisfied that it has been demonstrated that the proposed development would not adversely effect the integrity of European habitat sites. In this regard, the proposal would comply with saved Policy NRM6 of The South East Plan (2009) and Policies CS8 and CS17 of the CS which require new residential development likely to have a significant effect on the ecological integrity of the SPA to demonstrate that adequate measures have been put in place to avoid or mitigate any potential adverse effects.

Other Matters

16. While the Council did not raise concerns, interested parties have raised issues relating to privacy, light and outlook. In the previous appeal, the Inspector noted that new rear-facing windows, and particularly the two easternmost rear facing windows facing towards the rear garden of the Sparrows, would result in direct overlooking of its rear amenity space. The current appeal scheme has been amended to remove one of these windows, with the other set back further away from the shared boundary.
17. The rear garden serving the Sparrows is already subject to a degree of overlooking from surrounding dwellings and existing windows in the rear elevation of The Beeches. While the proposed windows would add to this, such relationships are not unexpected within a built-up area. From my site visit, I observed that views of the patio area immediately to the rear of the Sparrows would be oblique, and a material loss of privacy to this most used part of the garden would not occur. Any views towards the more peripheral parts of the garden would not be harmful in this context.

18. As for light and outlook, the proposed extension could potentially affect windows on the side elevation of the Sparrows. However, one of these is a landing window serving a non-habitable room, and the other is a secondary window to the kitchen. The main kitchen window would be unaffected. Overall, the separation distances and resulting relationship would be sufficient to ensure no material adverse effects on privacy, outlook or light.
19. Concerns relating to character and appearance, noise, disturbance, access, parking provision and congestion have also been raised by interested parties. However, these are matters in dispute and the Council has not identified any harm in relation to locally listed status of The Beeches or the standard of accommodation for future occupiers. I find no reason to reach a different view in these regards. Matters relating to rights of access/parking and potential damage to adjoining land/properties are civil issues and fall outside the scope of the planning system and are not therefore material to the outcome of this appeal.
20. My Council has drawn my attention to other appeal decisions⁴ which relate to surface water flooding and the sequential test. However, those decisions were made before the PPG was updated. Furthermore, my decision is based on the evidence before me and those other decisions do not therefore persuade me to a different view.

Conditions

21. Various conditions have been suggested by the Council in the event the appeal is allowed. I have considered these against the tests set out in the Framework and Planning Practice Guidance. In some instances, I have amended the suggested wording to provide precision or clarity and omitted another for the reasons explained below.
22. In addition to the standard time condition (1), I have imposed a condition requiring the development to be carried out in accordance with the approved plans (2) in the interests of certainty.
23. In order to ensure the proposed dwelling is finished in materials appropriate for its context, condition (3) is required. A condition (5) relating to cycle parking is necessary in the interests of encouraging travel by means other than the private car. Condition (6) relating to a detailed water drainage scheme is required for the reasons outlined in relation to the first main issue. Condition (7) relating to rooflight window, is required in the interests of privacy.
24. While the Council's officer report refers to a potential condition relating to electric vehicle charging, this is not necessary as such provision is prescribed within building regulations. Reference is also made to electric bike charging and bin storage for the additional flat, however these conditions were not included in the Council's list of draft conditions. Moreover, I am satisfied that such requirements are not necessary to make the proposal acceptable.
25. Although the proposal has been advanced as a self-build/custom build dwelling, there is no mechanism in place to secure this, and mandatory Biodiversity Net Gain (BNG) could apply. In such an instance, BNG would be secured by the deemed statutory pre-commencement biodiversity gain condition. However, the minimum

⁴ Appeal refs: APP/A3655/W/24/3349308, APP/A3655/W/23/3321869 and APP/L3625/W/21/3286824

BNG information has been provided which indicates that the appeal proposal would satisfy the de minimis exemption. It is not for me to determine whether an exemption applies, although the Council have confirmed this is satisfactory and I see no reason to disagree. While the Council recommend a condition requiring an Ecological Enhancement Plan, such a requirement would not be reasonable or necessary. Furthermore, condition (4) which secures landscaping in the interests of visual amenity, would also contribute towards ecological enhancement on the site in a proportionate manner.

Conclusion

26. For the reasons given above the appeal should be allowed.

H Marriott

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - 1058_01_001 Rev A
 - 1058_02_001 Rev A
 - 1058_02_101 Rev B
 - 1058_02_102 Rev B
 - 1058_03_121 Rev B
 - 1058_03_122 Rev B
 - 1058_03_123 Rev B
 - 1058_03_124 Rev B
 - 1058_04_121 Rev B
 - 1058_04_001 Rev A
 - 1058_05_121 Rev B
 - 1058_05_122 Rev B
 - 1058_05_001 Rev A
 - 1058_05_002 Rev A
 - 1058_03_001 Rev A
 - 1058_03_002 Rev A
 - 1058_03_003 Rev A
 - 1058_03_004 Rev A
- 3) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4) No development shall commence until a scheme of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These scheme shall include details of shrubs, trees and hedges to be planted, details of materials for areas of hardstanding and details of boundary treatments.

All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the first occupation of the buildings or the completion of the development, whichever is the sooner, and maintained thereafter. Any 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 scheme.

- 5) The development hereby approved shall not be occupied until details of secure cycle parking have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and the secure cycle parking shall thereafter be kept available for the storage of bicycles.
- 6) No development shall take place until a detailed surface water drainage scheme for the development, based on sustainable drainage principles and measures set out in the Flood Risk Assessment Report dated April 2024 Rev 1 received by the LPA on 106.06.2024, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in full in accordance with the approved scheme prior to the first occupation of the development.
- 7) The south east facing rooflight hereby permitted shall be glazed entirely with obscure glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Once installed the rooflight shall be permanently retained in that condition unless otherwise agreed in writing by the local planning authority.

END OF SCHEDULE