



Appeal Decision

Site visit made on 19 January 2026

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th March 2026

Appeal Ref: APP/A3655/W/25/3368124

Land to the rear of Lingcroft and Flats 1 and 2 Lingcroft, Pyrford Road, West Byfleet, Surrey KT12 6QS

- 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 Simon Nelson against the decision of Woking Borough Council.
 - The application Ref is PLAN/2024/0097.
 - The development proposed is demolition of existing triple garage, greenhouse and storage units to create a new three bedroom chalet bungalow on the land to rear of Flats 1 and 2 Lingcroft.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing triple garage, greenhouse and storage units to create a new three bedroom chalet bungalow on land to the rear of Lingcroft and Flats 1 and 2 Lingcroft, Pyrford Road, West Byfleet KT12 6QS in accordance with the terms of the application, Ref PLAN/2024/0097 subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant has confirmed the correct site address is as set out in the banner heading. This is different to that used on the application form 'Lingcroft, Flat 1, Pyrford Road, West Byfleet, Surrey KT14 6QS'. I have used the address in the banner heading to determine the appeal.
3. Following the submission of a Transport Technical Note reference: PC/P24136 TN dated June 2025 which includes TRICS data which quantifies the likely additional vehicle movements and the likelihood of two vehicles meeting on the access, the County Highway Authority has confirmed that they do not object to the proposal. In light of the additional information and the comments of the County Highway Authority, and subject to conditions, the Council is satisfied that the appellant has overcome the first reason for refusal. I see no reasons to disagree with the Council's new position on this matter and will not consider the first reason for refusal further.
4. The applicant has submitted an Arboricultural Report with the appeal which details how the trees would be retained and protected during construction, including the provision of Tree Protection fencing and ground protection. This information has been reviewed by the Council's Arboricultural Officer who considers the information acceptable subject to conditions. This includes conditions requiring the provision of details of foundation designs and details of revised locations of drainage/inspection chambers before the commencement of works. On this basis the Council is therefore satisfied that the proposal would have an acceptable arboricultural

impact, subject to conditions. The Council confirms that subject to pre-commencement conditions, the appellant has overcome reason for refusal 2 and the Council does not wish to contest this further. I see no reasons to disagree with the Council's new position on this matter and will not consider the second reason for refusal further.

5. A Unilateral Undertaking (UU) was submitted as part of the appeal process to mitigate the effects of the proposal on the integrity of the European Site, The Thames Basin Heaths Special Protection Area (SPA). The Council has had an opportunity to comment on the contents of the UU and confirmed it is acceptable.

Main Issue

6. Given that the first two reasons for refusal have been withdrawn, the sole remaining issue for discussion is the effect of the proposal on the integrity of the SPA. My reasoning below includes an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (SI No. 490 – the Habitats Regulations).

Reasons

7. The site lies within the 5km of the Thames Basin Heaths SPA. This European designated site provides habitat for important ground-nesting bird species including nightjars, woodlarks and Dartford warblers. It has been established that residential development within 5km of the SPA would likely result in harm to the protected area through additional recreational disturbance. The proposal would create a net gain of a dwelling and in combination with other developments permitted in the area there would be a likely significant adverse effect on the integrity of the SPA.
8. Policy CS8 of the Woking Core Strategy (2012) (WCS) requires new residential development beyond a 400m threshold, but within 5km of the SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to mitigate the impacts of such development on the SPA. The SANG contribution is encompassed within the Community Infrastructure Levy but the SAMM element is normally secured via a S106 legal agreement.
9. The Thames Basin Heaths Special Protection Area Avoidance Strategy 2022 sets out the principles for mitigation. It explains how the SAMM project will involve a wardening scheme which monitors and manages access to the SPAs and encourages people to use the SANG rather than the SPA. Bird and visitor surveys will be undertaken to monitor the effectiveness of the measures.
10. The appellant has provided a signed UU with this appeal which secures a financial contribution towards SAMM projects. The obligations within the UU are necessary to make the proposal acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. As such, they comply with Regulation 122 of the Community Infrastructure Levy Regulations.
11. The Council have had the opportunity to comment on the UU and have raised no objection. Natural England have been consulted on the UU and advise that the UU and associated fees would be sufficient to avoid adverse impacts on the Thames Basin Heaths SPA.

12. In conclusion, the submitted legal agreement to secure contributions towards mitigation measures ensures the additional dwelling would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area. The proposal therefore complies with the Habitats Regulations, Policy NRM6 of the South East Plan (2009), Policy CS8 of the Woking Core Strategy (2012) and the Thames Basin Heaths Avoidance Strategy (2022) which seek to prevent an adverse effect on the Thames Basin Heaths SPA from development.

Other Matters

13. At the application stage a total of 10 representations from five individuals were received including one from a representative of the Byfleet, West Byfleet and Pyrford Residents' Association.
14. Concern was raised over the effect of the proposal on neighbouring properties in terms of a loss of privacy, overbearing impact and overshadowing to neighbouring properties causing a loss of amenity to neighbouring residents. This was considered by the Council in determining the application who concluded the proposal would have an acceptable impact on the amenities of neighbouring properties. Having conducted a site visit, I have no reason to take a different view due to the distances between the development and neighbouring properties which would avoid unacceptable effects.
15. Third parties have raised concern over the design and the effect on the character of the area from the proposed development. There is a tight grain of development within the area and in my view, the proposal would be consistent with the pattern, grain and character of development in the surrounding area.
16. The appellant has overcome concerns regarding parking and access to the satisfaction of the County Highway Authority and I have not been provided with substantive evidence to demonstrate I should take a different view to the statutory consultee on this matter. Any matters relating to leases are civil matters and not matters I can consider in a planning appeal.

Conditions

17. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the National Planning Policy Framework (the Framework) and the advice in the Planning Practice Guidance.
18. In the interests of certainty I have imposed time limit, plans and materials conditions.
19. To protect the trees on site, I have imposed conditions requiring tree protection measures are implemented in accordance with the submitted arboricultural report and that full details of the foundation design and drainage/service runs for the dwelling are submitted and approved before development commences. It is necessary for the foundation design and drainage/service run details to be approved prior to commencement of development in order to prevent damage to the roots of trees.
20. In order to protect the visual amenities of the site and wider area, I have imposed a condition requiring details of the proposed hard and soft landscaping for the site to be submitted and approved.

21. In the interests of public safety, I have imposed a condition requiring a pedestrian inter-visibility splay is provided on each side of the access to Pyrford Road and parking spaces to be provided in accordance with the approved plans prior to occupation of the dwelling.
22. In the interests of the amenity of the area and to ensure the satisfactory provision of waste management, I have imposed a condition requiring details of the waste and recycling management and storage to be provided, implemented and retained for the lifetime of the development.
23. In order to encourage travel by means other than the private car, I have requested details of the cycle storage to be provided and subsequently implemented in accordance with the approved plans.
24. To enhance the natural environment, I have imposed a condition requiring details of the measures for the enhancement of biodiversity on the site and a timetable for their provision as well as their implementation in full prior to the first occupation of the development.
25. In order to protect the visual amenities of the occupiers of neighbouring properties and the character of the area, particularly from over development of the site, it is necessary to remove permitted development rights for alterations to the dwelling.
26. To ensure the development meets a high standard of sustainability and makes efficient use of resources I have imposed a condition requiring details of the water usage of the dwelling and for this to be no more than 110 litres per person per day and for the development to be implemented in accordance with the approved details.

Conclusion

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

C Coles

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 the approved plans listed below:

2401-LIPR-002 Rev.A7 dated 19.11.2024 (Block Plan) received by the LPA on 20.11.2024
2401-LIPR-003 Rev.A7 dated 19.11.2024 (Elevations) received by the LPA on 20.11.2024
2401-LIPR-004 Rev.A7 dated 19.11.2024 (Elevations) received by the LPA on 20.11.2024
2401-LIPR-005 Rev.A7 dated 19.11.2024 (Floor Plans) received by the LPA on 20.11.2024
2401-LIPR-006 Rev.A7 dated 19.11.2024 (Roof Plans) received by the LPA on 20.11.2024
2401-LIPR-007 Rev.A7 dated 19.11.2024 (3D Views and Sections) received by the LPA on 20.11.2024
2401-LIPR-010 Rev.A7 dated 19.11.2024 (Location Plan) received by the LPA on 20.11.2024
2401-LIPR-008 Rev.A3 dated 15.03.2024 (Access Drive Design) received by the LPA on 15.03.2024
- 3) Prior to the commencement of any above ground works in connection with the development hereby permitted (excluding demolition), a written specification of all external materials to be used in the construction of the development hereby permitted shall be 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) The development hereby permitted shall take place in accordance with the Arboricultural Report ref: APA/AP/2025/036 prepared by APArboriculture dated 17.04.2025 and received by the Local Planning Authority on 25.06.2025 including the convening of a pre-commencement meeting and arboricultural supervision as indicated. No works or demolition shall take place until the tree protection measures have been implemented. The development shall be carried out strictly in accordance with the agreed details.
- 5) Prior to the commencement of any works in connection with the development hereby permitted (excluding demolition), full details of the foundation design for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a no dig construction method in relation to existing ground levels. The method shall adhere to the principles embodied in BS 5837:2012 and the involvement of an arboricultural consultant and engineer will be necessary. The development shall be carried out strictly in accordance with the agreed details.

- 6) Prior to the commencement of any works in connection with the development hereby permitted (excluding demolition), full details of the locations and method of construction of drainage/service runs, soakaways and drainage/inspection chambers shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include revised locations of drainage/inspection chambers. The method shall adhere to the principles embodied in BS 5837:2012 and the involvement of an arboricultural consultant and engineer will be necessary. The development shall be carried out strictly in accordance with the agreed details.
- 7) 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. The approved hard landscaping and boundary treatments shall be carried out prior to the first occupation of the development hereby permitted and thereafter retained in accordance with the approved details. All soft 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 (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 re-placed during the next planting season with specimens of the same size and species.
- 8) The development hereby approved should not be occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the access to Pyrford Road, the depth measured from the back of the footway and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level should be erected within the area of such splays.
- 9) Prior to the first occupation of the development hereby permitted, space shall be 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 any above ground works (excluding demolition) in connection with the development hereby permitted, details of the waste and recycling storage and management arrangements for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be fully implemented and retained and maintained thereafter for the lifetime of the development.
- 11) Prior to the first occupation of the development hereby permitted, details of secure cycle storage for the dwelling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and made available prior to the first occupation of the dwelling and shall thereafter be retained and made available for use at all times.

- 12) Prior to any above ground works in connection with the development hereby permitted (excluding demolition), details of the measures for the enhancement of biodiversity on the site and a timetable for their provision on the site, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in full accordance with the agreed details prior to the first occupation of the development hereby permitted and thereafter shall be permanently retained and maintained in accordance with the agreed details.
- 13) Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 and Classes A and B of The Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any orders amending or re-enacting that Order with or without modification) no extension or enlargement of the dwelling hereby permitted shall be carried out without planning permission being first obtained from the Local Planning Authority.
- 14) Prior to the commencement of any above-ground works (excluding demolition and site clearance works) in connection with the development permitted, written evidence must be submitted to, and approved in writing by, the Local Planning Authority demonstrating that the 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.

***** End of Schedule *****