

## 28 FEBRUARY 2023 PLANNING COMMITTEE

6b PLAN/2023/0011

WARD: SJS

**LOCATION:** Little Oaks, Jackmans Lane, St Johns, Woking, Surrey, GU21 7RL

**PROPOSAL:** Erection of 2 x semi-detached and 1 x detached dwelling and associated hard and soft landscaping following the demolition of the existing dwelling.

**APPLICANT:** Mustafa Homes Developments Limited      **OFFICER:** Benjamin Bailey

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### **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to Planning Committee, in the event of an Officer recommendation for refusal, by Councillor Ali.

It should also be noted that Councillor Roberts requested that the application be referred to Planning Committee in the event of an Officer recommendation for approval.

### **SUMMARY OF PROPOSED DEVELOPMENT**

Erection of 2 x semi-detached and 1 x detached dwelling and associated hard and soft landscaping following the demolition of the existing dwelling.

- Plots 1 and 2: 4 bedrooms (semi-detached)
- Plot 3: 3 bedrooms (detached)

Site Area:	0.1427 ha (1,427 sq.m)
Existing dwelling(s):	1
Proposed dwellings:	3 (+2)
Existing density:	7 dph (dwellings per hectare)
Proposed density:	21 dph

### **PLANNING STATUS**

- Urban Area
- Adjacent to Green Belt
- Adjacent to Common Land
- Adjacent to Site of Nature Conservation Importance (SNCI)
- Adjacent to Footpath 103 (PROW)
- Proximity of Listed Building (St Johns Lodge, St Johns Hill Road - Grade II)
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)
- Surface Water Flood Risk (Medium - Partial)

### **RECOMMENDATION**

**Refuse** planning permission.

### **SITE DESCRIPTION**

The site comprises the residential curtilage associated with the existing 1960s detached bungalow Little Oaks. The existing bungalow is located on ground which is c.1.6m higher than Jackmans Lane (which is a Public Right of Way (PROW),

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Footpath 103). To the rear of the existing bungalow the ground level rises by a further c.1.3m and then continues to slope gradually upwards by a further c.1.7m where adjacent to the rear (north-east) site boundary. The result of this is that where adjacent to the rear site boundary the site is c.3.0m more elevated than the ground floor level of the existing bungalow and c.4.6m more elevated than Jackmans Lane.

### **RELEVANT PLANNING HISTORY**

PLAN/2022/0924 - Erection of 2 x semi-detached and 1 x detached dwelling and associated hard and soft landscaping following the demolition of the existing dwelling.

Application Withdrawn (05.12.2022)

*(Officer Note: Application ref: PLAN/2022/0924 was on the Planning Committee agenda for the 6 December 2022 meeting, with a recommendation for refusal. However, the applicant withdrew the planning application the day before the Planning Committee meeting and therefore the Planning Committee did not consider that application)*

PLAN/2022/0328 - Erection of 2 x semi-detached and 1 x detached dwelling and associated hard and soft landscaping following the demolition of the existing dwelling.

Refused (30.05.2022) (under Officer delegated powers) for the following reasons:

01. *By reason of its layout (including the tandem, backland tier of development proposed and the vehicular access arrangements and extent of hard surfacing), the inappropriate sub-division of an existing curtilage to sizes substantially below that prevailing in the area and the form, scale and appearance of all proposed three dwellings (including the provision of a two-and-a-half storey semi-detached pair fronting Jackmans Lane), the proposed development would result in an unduly contrived, discordant and incongruous form of development which would fail to respect and make a positive contribution to the street scene and the character of the area in which it would be situated, fail to reflect the prevailing grain and pattern of development within the area in which it would be situated and would fail to respect the transition between the Urban Area and the Green Belt. The proposed development is therefore contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), Policies DM10 and DM13 of the Development Management Policies DPD (2016), SPDs Design (2015) and Outlook, Amenity, Privacy and Daylight (2022) and the National Planning Policy Framework 2021 (NPPF) (particularly paragraphs 126 and 130(b)).*
02. *Notwithstanding the submission of arboricultural information the applicant has failed to demonstrate that when the existing incursion (of the hard surface of Jackman's Lane) into the root protection area of tree T1 is taken into account, together with the proposed additional incursion (of the new driveway access hardstanding) into the RPA of tree T1, that the proposed development would not adversely affect the vigour/vitality and longevity of tree T1, which is a large, mature Beech which makes a high level of positive landscape contribution in fronting the public footpath of Jackman's Lane and therefore is of high public amenity value. The proposed development is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies Development Plan Document (DMP DPD) (2016) and the provisions of the National Planning Policy Framework (NPPF) (paragraph 131).*

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03. *In the absence of a Section 106 Legal Agreement to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the two net additional dwellings would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area, either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects, contrary to The Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations"), saved Policy NRM6 of the South East Plan 2009, Policies CS8 and CS17 of the Woking Core Strategy (2012) and the Updated Thames Basin Heath Avoidance Strategy (2022).*

PLAN/2021/1326 - Erection of 2 x semi-detached and 1 x detached dwelling and associated hard and soft landscaping following the demolition of the existing dwelling.

Application Withdrawn (08.03.2022)

15265 - The execution of site works and the erection of a detached bungalow and garage on land off Jackman's Lane, St Johns, Woking.

Permitted subject to conditions (01.08.1962)

### **CONSULTATIONS**

**Senior Arboricultural Officer (WBC):** The arboricultural information provided is considered acceptable and should be complied with in full, this includes the pre-commencement meeting with the LA tree officer, project Arboriculturalist and the Project Manager.

**Lead Local Flood Authority (LLFA) (Surrey CC):** The Applicant has considered the surface water flood risk to and from the site but has not suggested appropriate mitigation measures to inform the Planning Application. As the Applicant has not provided full details of the mitigation proposals, we would suggest a condition is included on the Decision Notice should permission be granted.

**Countryside Access Office (Surrey CC):** No comments received.

*(Officer Note: The Countryside Access Office (Surrey CC) responded to previous - and very similar - application ref: PLAN/2022/0924 making no objection subject to comments in respect of inter alia, a Construction Management Plan being secured via condition to ensure the safety of Public Footpath users throughout the construction phase, a photographic survey of the Footpath being carried out so any wear and tear can be repaired, that safe public access along the Footpath must be maintained at all times (without an official temporary closure order)).*

**County Highway Authority (Surrey CC):** The application site is accessed via Jackmans Lane, which is a private road and does not form part of the public highway, therefore it falls outside The County Highway Authority's jurisdiction. The County Highway Authority has considered the wider impact of the proposed development and considers that it would not have a material impact on the safety and operation of the adjoining public highway. However, in order to promote sustainable transport and to reduce carbon emissions the County Highway Authority recommends an electric vehicle charging point condition and informative be attached to any permission granted.

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### REPRESENTATIONS

x26 letters of objection (from x25 individuals/parties) have been received, x1 of which requests to be considered as a co-signed letter from x7 individuals/parties (some of which have also submitted individual representations):

#### Transport and highways, incl. impact on Jackmans Lane PROW:

- Traffic volume
- Jackmans Lane is a public footpath
- Disruption during construction period – the only access would be via Jackmans Lane which is unsuitable for heavy vehicles
- Poor current state of Jackmans Lane – will be made worse by additional traffic
- Jackmans Lane is a narrow, unmade, uneven and rutted track and is not suited to the additional traffic of three houses in place of the one existing property
- Noise during construction  
*(Officer Note: Hours of demolition/construction work are controlled outside of planning control under the provisions of The Control of Pollution Act 1974)*
- Hours of work should be restricted  
*(Officer Note: Hours of demolition/construction work are controlled outside of planning control under the provisions of The Control of Pollution Act 1974)*
- Only access is across both Green Belt and Common Land
- There is no automatic right of access to the properties along Jackmans Lane
- Insufficient vehicle turning space on site
- Insufficient parking on site, proposal requires a minimum of 8 parking spaces
- Insufficient visibility and access for large vehicles (e.g. Deliveries)
- Visitor parking is likely to occur on Jackmans Lane, obstructing the lane
- Issues with refuse collection and deliveries to the new buildings
- Result in additional traffic on Church Road, which is already busy with existing community centre/youth club and children running out from this into the road
- The Church Road end of Jackmans Lane would need to be resurfaced up to the footpath at the eastern end of the lane before any work commenced  
*(Officer Note: Such potential resurfacing of Jackmans Lane is outside of the scope of this application)*
- Contradicts fire access legislation - Issues with fire appliance access, including to Plot 3 which would be more than 45m from Jackmans Lane

#### Design and character incl. arboriculture:

- In order to reduce the impact on tree T1 which was stated as one of the reasons for refusal previously, the proposed pair of semi-detached properties has been moved back by around 6m at the expense of their rear gardens. These gardens were inappropriately small for the area previously and are now ridiculously so
- Out of character
- Triples density and does not fall within a highly sustainable location so as to justify a density higher than that prevailing in the surrounding area
- Fails to respect the grain and pattern of development

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- Areas of private garden are too small
- Recent high rise developments in Woking have surely already fulfilled the requirement for additional housing
- The site is too small to accommodate three dwellings
- The Council is currently meeting its 5-year housing supply targets and therefore the presumption in favour of sustainable development is not applicable in regard to this application
- Houses accessed along Jackmans Lane are all currently single storey dwellings
- Overbearing and visually intrusive development for this rural lane and public footpath
- Total living space on the site would be a 446% increase
- Will increase from a two bedroom house to a total of 11 bedrooms  
*(Officer Note: The existing dwelling is shown to provide 3 bedrooms)*
- Proposed buildings are disproportionately tall and tightly packed in comparison to the current and neighbouring dwellings
- Urban density housing entirely out of keeping with the semi-rural location
- Excessive density
- Detached property has no rear garden and backs right up to a neighbour's fence
- The three storey houses will change the character from low buildings well set back from the lane to a more typical urban street
- Too much hard surfacing
- Would set a precedent for similar development at Heathside and Hedges
- Existing adjoining The Courtyard dwellings do not have vehicular access to Jackmans Lane and are screened from Jackmans Lane by a high hedge
- The detached house/Plot 3 would have no garden
- Both semi-detached houses would have minimal gardens
- Backland development is in conflict with the character of the area
- Trees have already been cleared from the site
- Adverse impact on trees, including protected trees, outside of the application site, including those at The Courtyard and Holly Hedge
- Adverse impact on trees

### Ecology and biodiversity:

- The three front gardens of Little Oaks, Heathside and Hedges are all part of the Green Belt  
*(Officer Note: The Green Belt boundary runs along the northern edge of Jackmans Lane and does not encroach into the front gardens of the stated properties)*
- Directly opposite the woodland area of St Johns Lye and adjacent to areas of Common Land, Green Belt and Site of Nature Conservation Importance
- The area is extremely rich in wildlife including bats
- Additional light pollution from new windows
- Negative impact on Thames Basin Heaths Special Protection Area (TBH SPA)

### Neighbouring amenity:

- Loss of privacy/overlooking to adjoining Heathside
- Loss of light to adjoining Heathside
- Loss of privacy/overlooking to dwellings at adjoining The Courtyard, St Johns Lodge

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- Loss of daylight to dwellings at adjoining The Courtyard, St Johns Lodge
- Loss of sunlight to dwellings at adjoining The Courtyard, St Johns Lodge
- Additional noise caused by Plot 3 driveway
- Loss of privacy/overlooking to Holly Hedge
- Plot 3 is adjacent to the boundary of Holly Hedge giving rise to a significant impact on noise

### Flooding and water management:

- Surface water is already a problem and flooding occurs in the area
- Will be largely non-porous driveways, therefore surface water will run-off onto Jackmans Lane due to the slope in the land

### Other:

- Objected to the three previous plans for the redevelopment of this site. This application appears to have made no meaningful changes to the plans that were previously rejected.  
*(Officer Note: The changes are summarised in the body of this report)*
- This application has been withdrawn twice and refused once  
*(Officer Note: The changes are summarised in the body of this report)*
- Plans transgress the boundaries with Nos.15, 16 and 17 The Courtyard, St Johns Lodge
- If granted will clearly set a precedent for the area (i.e., sites at Heathside and Hedges)
- The replacement of a bungalow is at odds with Policy CS11 of the Core Strategy and the housing mix within the Borough
- A previous application for two houses was refused under ref: 8651

## **RELEVANT PLANNING POLICIES**

### National Planning Policy Framework (NPPF) (2021)

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

### Woking Core Strategy (2012)

CS1 - A spatial strategy for Woking Borough

CS7 - Biodiversity and nature conservation

CS8 - Thames Basin Heaths Special Protection Areas

CS9 - Flooding and water management

CS10 - Housing provision and distribution

CS11 - Housing mix

CS12 - Affordable housing

CS17 - Open space, green infrastructure, sport and recreation

CS18 - Transport and accessibility

CS20 - Heritage and conservation

CS21 - Design

CS22 - Sustainable construction

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CS24 - Woking's landscape and townscape  
CS25 - Presumption in favour of sustainable development

### Development Management Policies Development Plan Document (DM Policies DPD) (2016)

DM2 - Trees and landscaping  
DM10 - Development on garden land  
DM13 - Buildings in and adjacent to the Green Belt  
DM20 - Heritage assets and their settings

### South East Plan 2009 (Saved policy)

NRM6 - Thames Basin Heaths Special Protection Areas

### Supplementary Planning Documents (SPDs)

Design (2015)  
Outlook, Amenity, Privacy and Daylight (2022)  
Parking Standards (2018)  
Climate Change (2013)  
Affordable Housing Delivery (2014)

### Supplementary Planning Guidance (SPG)

Heritage of Woking (2000)

### Other Material Considerations

Planning Practice Guidance (PPG) (online resource)  
The Conservation of Habitats and Species Regulations 2017 (as amended)  
Updated Thames Basin Heaths Avoidance Strategy (February 2022)  
Woking Borough Council Strategic Flood Risk Assessment (SFRA) (November 2015)  
Technical Housing Standards - Nationally Described Space Standard (NDSS) (March 2015)

## **BACKGROUND**

The present application has been submitted following the refusal (under Officer delegated powers) of application ref: PLAN/2022/0328 on 30 May 2022. The present application remains very similar to refused ref: PLAN/2022/0328 with the following exceptions:

- The front elevations of Plots 1 and 2 (the semi-detached pair) have been 'moved back' into the site, away from Jackmans Lane, by c.4.2m and c.4.6m (difference due to the step in elevations) and are now shown on a similar front building line to the existing bungalow which is proposed to be demolished;
- The preceding change has reduced the depths (and thus the overall areas) of the private rear gardens of Plots 1 and 2 to c.10.2m (compared to c.14.8m under refused ref: PLAN/2022/0328);
- The architectural detailing to the front gables of Plots 1 and 2 has been reduced and the quoin detailing and chimneys have been omitted; and
- The Plot 3 front dormer window (at first floor level) has been altered to a flat roofed form (compared to a dual-gabled form in refused ref: PLAN/2022/0328) and the Plot 3 first floor internal layout has been adjusted so that bedroom 2 (a habitable room) is served by a front dormer window.

Whilst previous application ref: PLAN/2022/0924 was withdrawn (on 5 December 2022) by the applicant, prior to a decision being made by the Local Planning

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Authority, for the avoidance of any doubt the present application makes the following changes compared to withdrawn application ref: PLAN/2022/0924:

- The front and rear dormer windows (at second floor level) within Plots 1 and 2 (which were omitted under ref: PLAN/2022/0924) have been 'reinstated' to serve the bedrooms at second floor level; and
- The Plot 3 first floor internal layout has been adjusted so that bedroom 2 is served by a front dormer window.

The previous refusal of application ref: PLAN/2022/0328 is a decision of the Local Planning Authority and as such must be afforded very significant weight in the determination of the present application.

### **PLANNING ISSUES**

01. The main planning issues to consider in determining this application are:

- Principle of development;
- Housing mix;
- Design and character;
- Neighbouring amenity;
- Amenities of future occupiers;
- Highways and parking;
- Arboriculture;
- Ecology and biodiversity;
- Flooding and water management;
- Thames Basin Heaths Special Protection Area (TBH SPA);
- Affordable housing;
- Energy and water consumption; and
- Local finance considerations

having regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance.

#### Principle of development

02. Whilst immediately adjacent to the Green Belt (to the south-west) the site itself falls within the Urban Area, as defined by the Council's Proposals Map, and is within residential use as existing. Both the National Planning Policy Framework (NPPF) and Policy CS25 of the Woking Core Strategy (2012) promote a presumption in favour of sustainable development, with the overarching policies of both the NPPF and the Development Plan as a whole emphasising the need for new housing. Policy CS10 of the Woking Core Strategy (2012) identifies that the Council will make provision for an additional 4,964 net additional dwellings in the Borough between 2010 and 2027, with an indicative number of 750 net additional dwellings as infill development in the rest of the Urban Area (i.e., outside of Woking Town Centre/West Byfleet District Centre/Local Centres etc), as is applicable in this instance, whereby an indicative density range of 30 - 40dph is set out by the policy.

03. Policy CS10 is not inimical to redevelopment within the Urban Area, thus the principle of redevelopment is not a fundamental obstacle. However, Policy CS10 states that:

***"The density ranges set out are indicative and will depend on the nature of the site. Density levels will be influenced by design with the***



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*aim to achieve the most efficient use of land. Wherever possible, density should exceed 40 dwellings per hectare and will not be justified at less than 30 dwellings per hectare, unless there are significant constraints on the site or where higher densities cannot be integrated into the existing urban form. Higher densities than these guidelines will be permitted in principle where they can be justified in terms of the sustainability of the location and where the character of an area would not be compromised.”*  
(emphasis added)

04. The existing site has a residential density of circa 7 dph (dwellings per hectare). The proposal would triple this density to 21 dph and would compare to 7 dph at adjoining Heathside, 5 dph at Hedges and 8 dph at Old Stable Cottage. The flats at The Orchard have a residential density of circa 21 dph and those at Hart Hill circa 16 dph, it is also material that the flats at The Orchard and Hart Hill are contained within a single building within large plots, hence these developments do not appear contrary to the prevailing grain and pattern of development in the area and do not result in a tandem tier of development as is proposed in this case. Whilst the development at adjoining The Courtyard, St Johns Lodge (to the west - ref: PLAN/2005/0211) has a slightly greater residential density - of circa 24 dph - than the proposed development vehicular access serving The Courtyard is taken from St Johns Hill Road. Moreover, whilst a relatively recent development, The Courtyard has been designed as a traditional stable-type courtyard, consisting of dwellings orientated to look inwards into a central square and its design rationale is that it has the appearance of being the converted original stabling and utility buildings to the main original house of Grade II Listed St Johns Lodge (to the north/north-west). The grain and pattern of development, and indeed the residential density, evident at The Courtyard to the west is therefore not considered to be comparable to the application site.
05. Whilst Policy CS10 identifies that wherever possible density should exceed 40 dph and will not be justified at less than 30 dph, Policy CS10 is also clear that the density ranges set out are indicative and will depend on the nature of the site; it is not the intention of Policy CS10 to permit densities of between 30-40 dph within the entire Urban Area. The site forms part of the settlement edge of St Johns, to the immediate south-west of which is Green Belt, in which the prevailing urban form is made up of single storey detached dwellings fronting Jackmans Lane (i.e., Heathside, Hedges and Old Stable Cottage to the east) or two storey buildings providing flats (i.e., The Orchard and Hart Hill, also to the east/north-east) which are set 'in depth', away from Jackmans Lane, and which demonstrate large open gardens between the buildings and Jackmans Lane, imbuing a sense of openness and reinforcing the character of this settlement edge location. Whilst the site falls within the Urban Area it is not located within such a highly sustainable location (i.e., it is not located within, nor within such close proximity of, any Neighbourhood/Local/District/Town Centre) so as to justify a residential density higher than that prevailing within the surrounding area, as is proposed. The density of the proposed development indicates that it may not integrate satisfactorily into the existing urban form, although this will be assessed in greater detail in the subsequent sections of this report.
06. Overall, the principle of redevelopment of the application site for residential purposes is not a fundamental obstacle although the residential density of the proposal indicates that it may not integrate satisfactorily into the existing urban form, although this will be assessed in greater detail in the subsequent sections

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of this report.

### Housing mix

07. Policy CS11 of the Woking Core Strategy (2012) states:

*“All residential proposals will be expected to provide a mix of dwelling types and sizes to address the nature of local needs as evidenced in the latest Strategic Housing Market Assessment in order to create sustainable and balanced communities.*

*The appropriate percentage of different housing types and sizes for each site will depend upon the established character and density of the neighbourhood and the viability of the scheme.*

*The Council will not permit the loss of family homes on sites capable of accommodating a mix of residential units unless there are overriding policy considerations justifying this loss.”*

08. Family accommodation is defined within the Woking Core Strategy (2012) as “2+ bedroom units which may be houses or flats” (para 5.73). The existing bungalow to be demolished measures c.109 sq.m gross internal area (GIA) and provides 3 bedrooms; it therefore constitutes family accommodation/a family home, for the purposes of Policy CS11. All three proposed new houses would provide 3 bedrooms or more and measure 93 sq.m or more in GIA, such that all would constitute family accommodation/a family home. As such there would be no loss of a family home and the proposed development would comply with Policy CS11 of the Woking Core Strategy (2012) in this respect.
09. The West Surrey Strategic Housing Market Assessment (SHMA) (September 2015) is the latest SHMA. The following table compares the latest SHMA market housing requirements against the proposed development:

	<b>SHMA need-market dwellings</b>	<b>Proposed - market dwellings</b>
3 bedrooms	38.3%	1 (33.3%)
4+ bedrooms	22.7%	2 (66.7%)
<b>Total</b>		<b>3 (100%)</b>

*\*Note: only relevant proposed dwelling sizes are shown*

10. It is acknowledged that not every development site will deliver the complete mix of unit sizes and that Policy CS11 operates, and is monitored, Borough wide. Whilst the proposed development would deliver a larger percentage of 4+ bedroom dwellings than is required by the SHMA it is recognised that the proposed development is for a relatively modest x3 total dwellings, and that the application site is a location in which the provision of higher proportions of larger dwellings would not be inappropriate in housing mix terms. However, the preceding concerns remain in respect of the impact of the proposed development upon the grain and pattern of development within the area. The proposal would also provide some, albeit limited, mix of dwelling sizes.

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### Design and character

11. The application site comprises the residential curtilage associated with the existing detached bungalow Little Oaks, which is proposed to be demolished. The existing bungalow dates from the 1960s and is of no discernible architectural or townscape merit or interest. As such, there is no objection to its demolition subject to the quality of the replacement(s). Policy DM10 of the DM Policies DPD (2016) states that:

*“Housing development on garden land and/or that to the rear or side of an existing property will be supported provided that it meets other relevant Development Plan policies and that:*

- *(i) it does not involve the inappropriate sub-division of existing curtilages to a size substantially below that prevailing in the area, taking account of the need to retain and enhance mature landscapes;*
- *(ii) it presents a frontage in keeping with the existing street scene or the prevailing layout of streets in the area, including frontage width, building orientation, visual separation between buildings and distance from the road;*
- *(iii) the means of access is appropriate in size and design to accommodate vehicles and pedestrians safely and prevent harm to the amenities of adjoining residents and is in keeping with the character of the area; and*
- *(iv) suitable soft landscape is provided for the amenity of each dwelling appropriate in size to both the type of accommodation and the characteristic of the locality.*

*In all cases, any development of garden land should not result in harm to the character and appearance of an area and any biodiversity value of the site.”*

12. Policy CS21 of the Woking Core Strategy (2012) requires proposals for new development to *“Create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land... Incorporate landscaping to enhance the setting of the development, including the retention of any trees of amenity value, and other significant landscape features of merit, and provide for suitable boundary treatment/s”* (emphasis added).
13. The reasoned justification text to Policy CS21 states (at para 5.204) that *“a Character Study has been carried out to provide evidence of the distinctiveness of the various parts of the Borough. All forms of development should have regard to the Character Study”*. The site falls within Character Area 6 (St Johns), within a large area on the southern edge of the Character Area identified as ‘Arcadian’ development; the Character Study states (at para 5.65) that *“The residential roads tend to be sinuous, yet the relationship between properties and the street is clear, with the vast majority of properties being face on to the road”* (emphasis added). Policy CS24 of the Woking Core Strategy

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(2012) states that “*all development proposals will provide a positive benefit in terms of landscape and townscape character*”.

14. Section 12 of the NPPF relates to design, stating, inter alia, that “*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*” (para 126). Paragraph 130 of the NPPF states that “*Planning...decisions should ensure that developments...b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*”.
15. The Planning Practice Guidance (PPG) provides guidance in terms of layout, stating that new development should look to respond appropriately to the existing layout of buildings, streets and spaces to ensure that adjacent buildings relate to each other and that there may be an existing prevailing layout that development should respond to and potentially improve.
16. Policy CS21 of the Woking Core Strategy (2012) requires, inter alia, “*appropriate levels of private and public amenity space*”. Policy DM10 of the Development Management Policies DPD (2016) requires, inter alia, that “*suitable soft landscape is provided for the amenity of each dwelling appropriate in size to both the type of accommodation and the characteristic of the locality*”. SPD Outlook, Amenity, Privacy and Daylight (2022) states (at para 3.7) that “*In established residential areas, where the existing pattern of development has a well-defined character, the size, shape and position of the garden will need to reflect the existing context and be in proportion to the size of dwelling proposed*” and (at para 3.8) that “*Where appropriate, the area of private garden should approximate with gross floorspace of the dwelling but it is advised that it should generally be as large as the building footprint of the dwelling house. This principle will be subject to the existing character of the local context*” (emphases added).

### Layout, grain and pattern of development

17. This more westerly section of Jackmans Lane is an unmade, narrow lane, which becomes a pathway in its central section (i.e., moving eastwards beyond Heathside). Jackmans Lane is a Public Right of Way (PROW) (Footpath 103). The existing site contains a modest sized bungalow, as is also the case at adjoining Heathside, and also at Hedges and Old Stable Cottage, located further east. These properties all front onto Jackmans Lane and, along with others located further east beyond the ‘central’ footpath only section of the lane, are set within generous sized plots. As such sites on this northern side of Jackmans Lane generally have an open and spacious nature which, along with neighbouring rear gardens of St Johns Hill Road properties (to the north/north-east), results in a characteristically sylvan, verdant and open setting, which is reinforced by the sylvan character of the opposite, southern side of Jackmans Lane which falls within the Green Belt and is also a SNCI.
18. The bungalows fronting this section of Jackmans Lane, including existing Little Oaks on the site, together with properties on the southern side of St Johns Hill Road (to the north/north-east), form a perimeter to enclose large rear gardens which generally contain mature trees and hedgerows. This substantial, mostly undeveloped, pocket of space to the rear provides visual and physical

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separation between opposing frontage houses (i.e., those fronting Jackmans Lane and those fronting St Johns Hill Road) and a strong perception of openness in this verdant, low density residential area which adjoins the Green Belt immediately to the south/south-west. It is an identifiable pattern and grain of development that is noticeable in public views between buildings, most noticeably from Jackmans Lane, a PROW.

19. The proposed development would create a semi-detached pair (Plots 1 and 2), of two-and-a-half-storeys in height (i.e., providing three storeys of accommodation - at ground, first and second floor levels) located towards the southern part of the site and which would face towards the south and address Jackmans Lane. The proposed development would also create a tandem, backland tier of development in the form of a detached chalet bungalow (Plot 3) which would be sited only c.1.4m away from the rear (north-east) site boundary and almost directly against the side (east/south-east) site boundary, spanning for a c.14.6m length along this side site boundary. Plot 3 would be orientated perpendicular to Plots 1 and 2, with its 'front' elevation facing to the west/north-west. Plot 3 would be served by a new access road, passing the western side of Plot 1, to x2 parking spaces located in the tandem tier of development.
20. The proposed development would result in a not insignificant amount of hard surfacing for parking and vehicle access purposes – at the front of Plots 1 and 2, along the western side of Plot 1 and in-depth to the rear to serve as parking to Plot 3. Plot 3 would occupy part of the undeveloped backland area, would be located within the site in a manner which would appear readily cramped and contrived and would have an evidently uncharacteristic relationship with its private garden area, which would seemingly be located at the 'front' of the house (i.e., to the west/north-west of it). The resulting plot widths of Plot 1 (c.7.0m) and Plot 2 (c.8.3m), and garden lengths of these plots (both c.10.2m) would be manifestly smaller than the nearby contextual residential development which predominantly range between c.19.0m-27.0m in width and between c.36.0m-42.0m in garden depths. This solitary incursion of higher density infill housing would therefore significantly reduce openness and be incompatible with the prevailing form and layout of existing houses and gardens - a clear departure from local distinctiveness.
21. In addition, the proposed hard surfacing to the side of Plot 1 would have the appearance and function of a road, rather than a garden, and therefore be out of keeping with the verdant, domestic setting to houses along this northern side of Jackmans Lane. It is the proposed provision of Plot 3 'in depth' to the rear of the site (and to the rear of Plots 1 and 2) which necessitates the western access road, the provision of which 'pushes' the more southerly built form (i.e., Plots 1 and 2) towards the eastern side of the site, to within around 1.4m of the common site boundary with Heathside. As a result, the Plots 1 and 2 building would be unduly visually intrusive, the minimal separation distance to the common boundary with Heathside serving to reinforce the two-and-a-half-storey height, and the bulk and mass, of these plots compared to the single storey scale of Heathside.
22. Whilst it is recognised that there are some buildings within the immediate locality sited 'in depth' (primarily The Orchard and Hart Hill) these buildings provide flats/apartments (as opposed to houses), do not have any buildings to their south (i.e., they are not located behind 'frontage' houses along Jackmans Lane as Plot 3 would be in relation to Plots 1 and 2) and are accessed from St

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Johns Hill Road, as opposed to from Jackmans Lane.

23. The presence of existing development immediately adjoining the west of the site - The Courtyard, St Johns Lodge (ref: PLAN/2005/0211) - is acknowledged however vehicular access serving The Courtyard is taken from St Johns Hill Road, with no vehicular access serving The Courtyard from Jackmans Lane. Whilst a relatively recent development The Courtyard has been designed as a traditional stable-type courtyard, consisting of dwellings orientated to look inwards into a central square. The design rationale for The Courtyard is that it has the appearance of being the converted original stabling and utility buildings to the main original house of Grade II Listed St Johns Lodge (to the north/north-west). The grain and pattern of development, and indeed the residential density, evident at The Courtyard is therefore not comparable to the application site.
24. It is also material that the application site has an almost identical plot depth to adjoining Heathside and Hedges, is only c.2.0m wider than the plot of Heathside and indeed is c.6.0m narrower in width than the plot of Hedges. As such were the proposed development to be permitted on the application site it would make it difficult for the Local Planning Authority to resist similar potential future similar development at Heathside and Hedges, which have almost identical plot characteristics. As such this is not a generalised fear of precedent, but a realistic and specific concern that further piecemeal subdivision by similar development on adjoining and nearby sites would result in an undesirable cumulative effect. The proposed development would jar with the pattern and grain of development in this specific location, be highly prominent and appear cramped on the subdivided plots available.

### Form, scale and appearance

25. The existing bungalow is located on ground which is c.1.6m higher than Jackmans Lane, a PROW. To the rear of the existing bungalow the ground level rises by a further c.1.3m and then continues to slope gradually upwards by a further c.1.7m where adjacent to the rear (north-east) site boundary. The result of this is that where adjacent to the rear site boundary the site is c.3.0m more elevated than the ground floor level of the existing bungalow and c.4.6m more elevated than Jackmans Lane.
26. Semi-detached Plots 1 and 2 would be located c.0.7m closer to the common side (east) site boundary with Heathside than the existing bungalow with the front elevations of Plots 1 and 2 located on a similar front building line to that of the existing bungalow proposed to be demolished. Plots 1 and 2 would externally express three storeys to their front and rear elevations (due to the presence of second floor dormer windows) and their bulk, mass and particularly their 'crown' roofed form would result in a building of a significant scale and mass in this context. The Plots 1 and 2 bulk and massing remains unchanged from refused application ref: PLAN/2022/0328 albeit has been set-back into the site further away from Jackmans Lane. Nonetheless, the presence of x2 front dormer windows, together with the fact that the ground floor level of Plots 1 and 2 would be around 1.6m higher than Jackmans Lane, combined with their bulk, mass and form, would result in Plots 1 and 2 effectively reading as three storeys in height/scale from Jackmans Lane.
27. Plots 1 and 2 would be c.12.4m deep at two storey level (plus the c.1.1m deep

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twin gabled shared front projection) with further c.2.1m deep single storey rear projections. Whilst the main roof of Plots 1 and 2 would have pitched edges these edges would do little to disguise the significant area (c.76.0 sq.m) of flat roof which would result at maximum height, which would appear incongruous and unduly urban within this setting, being further indicative of the not insubstantial bulk and mass of Plots 1 and 2. The Plots 1 and 2 building would be substantially larger and also taller than others fronting this section of Jackmans Lane, including adjoining Heathside, and its provision of a semi-detached pair of dwellings would be readily evident from Jackmans Lane due to the symmetry of, and the provision of separate entrances and integral garages within, the front elevations of Plots 1 and 2. The provision of a semi-detached pair of dwellings would appear out of character with properties fronting this section of Jackmans Lane, the prevailing characteristic of which is that they are detached.

28. Due to overall height, scale, general massing effect and two storey depth, Plots 1 and 2 would be particularly prominent in views from Jackmans Lane. Whilst the incorporation of front gable detailing (albeit the architectural detailing of which has been reduced compared to refused ref: PLAN/2022/0328) and the use of external materials in line with the local vernacular, would not, in themselves, appear harmful these factors would not overcome or mitigate that Plots 1 and 2, due their prominence in views from Jackmans Lane, and in the context of the current verdant, open and spacious nature and character of the area, would be a jarring and dominating built form in this context. It is also material that the Plots 1 and 2 quoin detailing and chimneys have been omitted from the present application (compared to refused ref: PLAN/2022/0328), the omission of these elements, and the architectural detailing they provided, represents a backward step in design terms notwithstanding the concerns previously expressed.
29. The detached chalet bungalow Plot 3 building would be almost immediately adjacent to sections of both the north-east (rear) and east (side) site boundaries. It would not be as prominent as the Plots 1 and 2 building in views from the PROW of Jackmans Lane, due to its lesser height and more distant siting, although it would be located on ground which is c.4.6m more elevated than Jackmans Lane. Given its siting on more elevated ground, and notwithstanding the mass and form of Plots 1 and 2 forwards of it, the Plot 3 building would be likely to be seen, or at least glimpsed to varying degrees, from Jackmans Lane and in any case would be readily visible from neighbouring rear gardens and neighbouring dwellings, particularly those at The Courtyard, St Johns Lodge (to the west), Heathside (to the east) and Holly Hedge (to the north). Importantly the Plot 3 building would stand out as an uncharacteristically large structure in a tandem/backland position, almost immediately adjacent to sections of both the rear and side site boundaries and in an existing context of rear gardens containing, at most, modest garden structures such as sheds. Whilst any proposed new tree and shrub planting would add to the verdant nature of the area, there is insufficient basis to conclude that it would be likely to significantly screen or soften the proposed development or mitigate the harmful factors referred to above. In any case, the long-term survival or maintenance of such planting could not be guaranteed.

### Grade II listed St Johns Lodge

30. The site is within proximity of Grade II listed St Johns Lodge (to the north-west).

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Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Planning (LBCA) Act 1990) require special regard to be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. Paragraphs 199 - 208 (incl.) of the NPPF set out the framework for decision making where proposals affect heritage assets. The only potential effect upon the listed building in this case would be an indirect effect (i.e., development within its setting). Policy CS20 of the Woking Core Strategy (2012), Policy DM20 of the DM Policies DPD (2016) and SPG Heritage of Woking (2000) also constitute material considerations in respect of the setting of Grade II listed St Johns Lodge. Although increasing towards the rear the ground levels of the site are nonetheless lower than that on which St Johns Lodge is situated and the listed building is located c.25.0m north-west of the north-western corner of the site. Given these factors, taken together with the layout and scale of the proposed development (Plot 3, which would be closest to the listed building, would take the form of a dormer bungalow), the proposed development would not cause any harm to the setting of the Grade II listed building of St Johns Lodge.

### Adjacent Green Belt

31. The site is adjacent to the Green Belt immediately to the south-west. Policy DM13 of the DM Policies DPD (2016) states, inter alia, that:

*“Development proposals adjoining the Green Belt, or outside the Green Belt but conspicuous when viewed from it, will only be granted planning permission where they can demonstrate that the development, including boundary treatments, does not have a detrimental impact on visual amenity and respects the transition between the built-up area and the open countryside by taking account of the character and openness of the adjacent countryside and landscape”*

32. As previously set out the existing site contains a modest sized bungalow, as is also the case at adjoining Heathside, and also at Hedges and Old Stable Cottage, located further east. As such sites on this northern side of Jackmans Lane generally have an open and spacious nature which, along with neighbouring rear gardens of St Johns Hill Road properties (to the north), results in a characteristically sylvan, verdant and open setting. The land to the south of Jackmans Lane is Green Belt and heavily treed, thus rural in appearance.
33. The proposed development would create a semi-detached pair (Plots 1 and 2) located towards the southern portion of the site and which would face towards the south and address Jackmans Lane. As previously discussed, Plots 1 and 2 would externally express three storeys to their front elevations (due to the presence of second floor dormer windows) and their bulk, mass and particularly their 'crown' roofed form would result in a building of a significant scale and mass in this context. The Plots 1 and 2 bulk and massing remains unchanged from refused application ref: PLAN/2022/0328 albeit has been set-back into the site further away from Jackmans Lane. Nonetheless, the presence of x2 front dormer windows, together with the fact that the ground floor level of Plots 1 and 2 would be around 1.6m higher than Jackmans Lane, combined with their bulk, mass and form, would result in Plots 1 and 2 effectively reading as three storeys in height/scale from Jackmans Lane. As such, Plots 1 and 2 would fail



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to respect the transition between the urban area and the Green Belt contrary to Policy DM13 of the DM Policies DPD (2016).

34. Considering the above, by reason of its layout (including the tandem, backland tier of development proposed and the vehicular access arrangements and extent of hard surfacing), the inappropriate sub-division of an existing curtilage to sizes substantially below that prevailing in the area and the form, scale and appearance of all proposed three dwellings (including the provision of a two-and-a-half storey semi-detached pair fronting Jackmans Lane), the proposed development would result in an unduly contrived, discordant and incongruous form of development which would fail to respect and make a positive contribution to the street scene and the character of the area in which it would be situated, fail to reflect the prevailing grain and pattern of development within the area in which it would be situated and would fail to respect the transition between the Urban Area and the Green Belt. The proposed development is therefore contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), Policies DM10 and DM13 of the Development Management Policies DPD (2016), SPDs Design (2015) and Outlook, Amenity, Privacy and Daylight (2022) and the National Planning Policy Framework 2021 (NPPF) (particularly paragraphs 126 and 130(b)).

### Neighbouring amenity

35. Policy CS21 of the Woking Core Strategy (2012) states that "*Proposals for new development should...Achieve a satisfactory relationship to adjoining properties, avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook*" and "*Be designed to avoid significant harm to the environment and general amenity, resulting from noise, dust, vibrations, light or other releases*". More detailed guidance is provided within SPDs Outlook, Amenity, Privacy and Daylight (2022) and Design (2015).
36. The potential loss of enjoyment of a view is not a ground on which planning permission can potentially be refused although the impact of a development on outlook is a material planning consideration and stems on whether the development would give rise to an undue sense of enclosure or overbearing effect to neighbouring/nearby residential properties. There are no established guidelines for what is acceptable or unacceptable in this regard, with any assessment subjective as opposed to empirical, with key factors in this assessment being the existing local context and arrangement of buildings and uses. Paragraph 2.5 of SPD Outlook, Amenity, Privacy and Daylight (2022) states that "*Outlook from a principal window will generally become adversely affected when the height of any vertical facing structure exceeds the separation distance from the window. When a structure is placed too close to a window so that it completely dominates the outlook it will have an overbearing impact*". It must also be noted that Policy CS21 of the Woking Core Strategy (2012) refers to "*significant harmful impact*", this is the threshold which must be reached to form any potentially robust, and defensible, reason for refusal on neighbouring amenity grounds.
37. In respect of privacy SPD Outlook, Amenity, Privacy and Daylight (2022) states, at paragraph 4.10, that "*For two storey accommodation (including dwellings with first floor dormer windows), a separation distance of approximately 20m will be adequate to prevent overlooking of dwellings of a*

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*similar or lesser height*". Appendix 1 of the SPD sets out recommended minimum separation distances for achieving privacy although states that "*higher standards may be required to maintain the well-defined character of existing residential areas, such as those within or adjacent to conservation areas or older residential areas with an established character*".

38. In respect of daylight, and where existing habitable room windows/openings are orientated at 90° in relation to a proposed development, SPD Outlook, Amenity, Privacy and Daylight (2022) states (at para 5.10) that "*they may affect the daylighting of an adjoining dwelling if they project beyond 3 metres of the building elevation, particularly if positioned close to a common boundary. Significant loss of daylight will occur if the centre of the affected window (or a point 1.6m in height above the ground for floor to ceiling windows/patio doors) lies within a zone measured at 45° in both plan and elevation*". Where existing habitable room windows/openings are located directly opposite a proposed development the SPD (at para 5.9) identifies that suitable daylight is achieved where an unobstructed vertical angle of 25° can be drawn from a point taken from the middle of each of the existing window openings.

39. The key neighbouring amenity impacts to consider in this instance are:

*The Courtyard, St Johns Lodge:*

40. The Courtyard is a two storey development to the west, designed as a traditional stable-type courtyard, consisting of dwellings orientated to look inwards into a central square. The Courtyard has the appearance of being the converted original stabling and utility buildings to the main original house of Grade II Listed St Johns Lodge (to the north/north-west). The case officer has previously undertaken visits to Nos.17 and 18 The Courtyard, No.17 is the dwelling which would be most affected (that is, of The Courtyard dwellings) by the proposed development.
41. Plot 1 would be located directly to the rear (i.e., east) of No.17, with the more forward and rearward parts of Plot 1 also located to the rear (i.e., east) of Nos.18 and 16 The Courtyard respectively. On the basis of the approved plans for pp ref: PLAN/2005/0211 at The Courtyard the dwelling of No.17 is located between c.11.0m-12.0m away from the site boundary (due to stepped elevation), that of No.18 is located c.11.0m away from the common boundary with the site and that of No.16 between c.12.0m-13.0m away from the site boundary (due to stepped elevation). Even allowing for 2.0m less than the distances shown on the approved plans for pp ref: PLAN/2005/0211 (because letters of representation allege that the boundary of the site is shown further westwards than it should be) the side elevation of Plot 1 would be located c.6.0m away from the site boundary, resulting in an overall elevation-to-elevation separation distance between the side of Plot 1 and Nos.16, 17 and 18 The Courtyard of at least 15.0m. Plot 1 (and Plot 2) would be located at a slightly lower ground level than Nos.16, 17 and 18 The Courtyard (as is the existing dwelling of Little Oaks) and have an eaves height of c.5.5m and a maximum height of c.8.1m with the roof sloping away from the common boundary above eaves height. As such, the vertical facing height of Plot 1 would not exceed the separation distance to either the common boundaries, or the rear elevations, of Nos.16, 17 and 18. Whilst it is recognised that the side elevation of Plot 1 would be readily visible from the rear elevations, and private gardens, of Nos.16, 17 and 18 (most notably from No.17), and would have

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some harmful effect in this respect, it nonetheless remains the case that the side elevation of Plot 1 would not be so close and so high so as to give rise to a significant harmful overbearing impact to Nos.16, 17 and 18 so as to give rise to conflict with Policy CS21 of the Woking Core Strategy (2012).

42. Plot 1 passes the 25° angle test for daylighting and therefore would not give rise to significant harmful loss of daylight to windows/patio doors within the east-facing elevations of Nos.16, 17 and 18 The Courtyard. Whilst Plot 1 would be located to the east of Nos.16, 17 and 18 its siting, form and scale would not cause a significant harmful loss of sunlight to Nos.16, 17 and 18, noting that the private gardens of these properties also benefit from sunlight from the south, which would remain unaffected by the proposed development.
43. Plot 1 would demonstrate x2 side-facing (west) windows, both of which would serve non-habitable rooms (w/c at ground and bathroom at first). The ground floor window would be c.6.0m away from the site boundary with The Courtyard and hence would not facilitate any significant harmful overlooking of The Courtyard dwellings. Had the application been recommended for approval a condition would have been recommended to secure the entire obscure-glazing, and non-opening below 1.7m from finished floor level (FFL), of the first floor (bathroom) window. The rear elevation of Plot 1 (and Plot 2) shows 'Juliet' balconies at first floor level, 'Juliet' balconies provide no platform and therefore no exterior access. Whilst the single storey rear projections of Plot 1 (and Plot 2) would have a flat roof the 'Juliet' balconies shown would preclude access onto the flat roof. Had the application been recommended for approval a condition would have been recommended to prevent any use of the flat roof area as a balcony, roof terrace etc. Therefore, subject to conditions which would have been recommended had the application been otherwise considered acceptable, there would be no significant harmful loss of privacy to The Courtyard dwellings.
44. Whilst the access road to Plot 3 would run only c.1.5m away from the common boundaries with Nos.15-18 The Courtyard (incl.) this access road would not have any material above ground volume and would serve only a single 3 bedroom dwelling and as such vehicular movements along it would not be highly frequent and therefore are not considered to give rise to significant harm to the environment and general amenity, including to The Courtyard dwellings, resulting from noise, light or other releases.
45. Plot 3 would be located c.12.5m away from the common boundaries with The Courtyard dwellings, and in part northwards of the east elevation of The Courtyard. Plot 3 would have an eaves height of between c.3.5m and c.2.8m (due to sloping ground level) and a maximum height of between c.5.8m and 5.3m (due to sloping ground level), with the roof sloping away from the common boundary above eaves height (with the exception of the front dormer window). As such the vertical facing height of Plot 3 would be around half of the separation distances to the common boundaries with The Courtyard. Whilst it is recognised that the west elevation of Plot 3 would be readily visible from the rear elevations, and private gardens, of The Courtyard dwellings it nonetheless remains the case that Plot 3 would not be so close and so high so as to give rise to a significant harmful overbearing impact to The Courtyard dwellings.
46. Plot 3 passes the 25° angle test for daylighting and therefore would not give rise to significant harmful loss of daylight to windows/patio doors within the

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east-facing elevations of The Courtyard dwellings. Whilst Plot 3 would be located to the east of The Courtyard dwellings its siting, form and scale would not cause a significant harmful loss of sunlight to The Courtyard dwellings.

47. Plot 3 would be orientated with its principal (i.e., front) elevation facing westwards towards The Courtyard, including windows within a first floor level dormer. The ground floor windows would be c.12.5m away from the common boundaries with The Courtyard dwellings and hence would not facilitate any harmful overlooking of The Courtyard. In respect of the first floor windows within the dormer The Courtyard would be located somewhat offset, to the south-west, in relation to the windows within the dormer. As such outlook towards No.15 (the closest The Courtyard dwelling) from the windows within the dormer would occur at something of an angle and at separation distances of c.13.0m to the site boundary and 25m+ to the east elevation of No.15. Whilst the orientation and siting of Plot 3 would, as previously discussed, be out of character with the prevailing grain and pattern of development in the area, the relationship between the windows within the first floor dormer of Plot 3 and No.15 The Courtyard would accord with the minimum requirements set out within Appendix 1 of SPD Outlook, Amenity, Privacy and Daylight (2022) and would avoid significant harmful loss of privacy to No.15 The Courtyard and, by implication would also avoid significant harmful loss of privacy to Nos.16, 17 and 18 The Courtyard.

### Heathside, Jackmans Lane:

48. Heathside is a bungalow to the east which has benefitted from previous extension (ref: 75/0276) and which is set away from the common boundary with the site by c.5.5m. The case officer has previously undertaken a site visit to Heathside. There is a rear patio area on the western side of the rear elevation of Heathside. Similar to the application site the ground level of the rear garden of Heathside rises up from the back of the dwelling towards its rear boundary such that the patio area is likely to be heavily used for sitting out etc. because it is on the same level as the house.
49. Plot 2 would be set away from the common boundary by c.1.4m. The front elevation of Plot 2 (and Plot 1) would be set behind those of Heathside and would be partly contained opposite the side (west) profile of Heathside, which is devoid of side-facing openings, other than a window within the rear projection. Because Plots 1 and 2 have been 'moved back' into the site, away from Jackmans Lane, by c.4.2m and c.4.6m (difference due to the step in elevations) compared to refused ref: PLAN/2022/0328 the side (east) elevation of Plot 2 would now project further beyond the rear of Heathside than was the case under refused ref: PLAN/2022/0328.
50. Plot 2 would project, at two storey level, beyond the closer rear elevation of Heathside (which contains the sole lounge window and immediately to the rear of which is a patio area) by c.8.0m, with a further c.2.1m projection which would be single storey in scale (i.e., total projection of c.10.1m beyond rear of Heathside).
51. Paragraphs 34 and 35 of this report set out the general guidance in respect of overbearing effect/loss of outlook. Whilst it is acknowledged that the present proposal is not a residential extension the guidance in the residential extensions section (9D) of SPD Design (2015) nonetheless provides useful

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context. It states that *“The location of the extension and the position of its windows should not result in any adverse overshadowing or overbearing impact on adjacent dwellings”*, that *“Two storey extensions, particularly if they extend beyond 3 metres from the building, need to be carefully sited as they can result in loss of daylight or have an overbearing impact on the adjoining dwellings unless they are kept well away from the separating boundary”* and that *“the size and location of the extension should not compromise the private garden amenity of the dwelling concerned or any of its neighbours”*.

52. Whilst the side (east) elevation of Plot 2 would be located around 6.9m away from the closest rear elevation, and rear patio, of Heathside, the combination of the projection of c.8.0m at two storey level, and of a further c.2.1m at single storey level (i.e., of c.10.1m overall), beyond the rear elevation and rear patio of Heathside, combined with the relatively modest c.1.4m separation distance retained to the common boundary, and the bulk and mass of the side elevation of Plot 2, would give rise to a significant harmful sense of enclosure and overbearing effect in the outlook from the closest rear-facing window (sole window serving the lounge), and the rear patio of Heathside (i.e., that area used for sitting out etc.).
53. Plot 2 would be located to the west of Heathside. The overall level of projection beyond the closest rear elevation, and rear patio, of Heathside, combined with the minimal separation distances retained to the common boundary, and the bulk and mass of the side elevation of Plot 2, would give rise to a significant harmful loss of sunlight and overshadowing to Heathside, most particularly to its rear patio area (i.e., that area used for sitting out etc.).
54. Plot 2 passes the 45° angle test in respect of front and rear-facing openings serving habitable rooms at Heathside, as well as the 25° angle test in respect of the side-facing window within the rear projection of Heathside, and therefore would not give rise to significant harmful loss of daylight to habitable rooms at Heathside.
55. Plot 2 would demonstrate x2 side-facing (east) windows, both of which would serve non-habitable rooms (w/c at ground and bathroom at first). The ground floor window would be c.1.4m away from the common boundary with Heathside and hence would not facilitate any harmful overlooking. Had the application been recommended for approval a condition would have been recommended to secure the entire obscure-glazing, and non-opening below 1.7m from FFL, of the first floor (bathroom) window. The rear elevation of Plot 2 (and Plot 1) shows ‘Juliet’ balconies at first floor level, ‘Juliet’ balconies provide no platform and therefore no exterior access. Whilst the single storey rear projections of Plot 2 (and Plot 1) would have a flat roof the ‘Juliet’ balconies shown would preclude access onto the flat roof. Had the application been recommended for approval a condition would have been recommended to prevent any use of the flat roof area as a balcony, roof terrace etc. Therefore, subject to conditions which would have been recommended had the application been otherwise considered acceptable, there would be no significant harmful loss of privacy to Heathside.
56. Plot 3 would be located between c.1.1m and c.0.7m away from the common boundary with Heathside towards the end of the c.36.0m deep private rear garden of Heathside. Plot 3 would have an eaves height of between c.3.5m and c.2.8m (due to sloping ground level) and a maximum height of between c.5.8m

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and 5.3m (due to sloping ground level), with the roof sloping away from the common boundary above eaves height. Plot 3 would extend adjacent to the common boundary for a length of c.14.0m.

57. Whilst Plot 3 would demonstrate what could, at best, be described as an unneighbourly relationship with Heathside it would be sited towards the end of the relatively deep rear garden of Heathside. Whilst it is recognised that the presence of Plot 3 would likely be readily visible from the rear elevation, and private garden/patio, of Heathside it nonetheless remains the case that Plot 3 would not be so close and so high so to the dwelling itself of Heathside so as to give rise to a significant harmful overbearing impact, loss of daylight or loss of privacy.
58. Whilst Plot 3 would exert some harm upon the amenity of the private rear garden of Heathside, by reason of an overbearing/enclosing effect, this harm would be restricted to that part of the rear garden most distant from the dwelling of Heathside. The overall depth (c.36.0m) and width (c.19.0m) of the private rear garden of Heathside is such that the impact of Plot 3 could be absorbed without resulting in significant harmful impact upon the amenity of the private garden overall. No windows or other openings would face towards the common boundary with Heathside. Had the application been recommended for approval a condition would have been recommended to prevent any potential future additional formation/insertion of windows, rooflights, dormer windows or other openings as permitted development (PD) (i.e., PD rights under Schedule 2, Part 1, Classes A, B and C of the GPDO 2015 would have been removed via recommended condition) in order to preserve the privacy of Heathside.
59. Overall, by reason of its cumulative depth, bulk and proximity to the common boundary with Heathside proposed Plot 2 (where projecting beyond the closest rear elevation and rear patio of Heathside) would give rise to a significant harmful sense of enclosure and overbearing effect in the outlook from the closest rear-facing window (sole window serving the lounge), and the rear patio of Heathside (i.e., that area used for sitting out etc.). Furthermore, for the same preceding reasons, proposed Plot 2 would also give rise to a significant harmful loss of sunlight and overshadowing to Heathside, most particularly to its rear patio area. These factors would be significantly harmful to existing and future occupiers of Heathside. The proposal is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents Design (2015) and Outlook, Amenity, Privacy and Daylight (2022) and the provisions of Section 12 of the National Planning Policy Framework (NPPF).

### Holly Hedge, St Johns Hill Road:

60. Holly Hedge is a large, detached dwelling to the rear (north/north-east). The case officer has previously undertaken a visit to Holly Hedge. Plots 1 and 2 would be located 30m+ away from the common boundary with Holly Hedge and therefore would avoid significant harmful impact upon Holly Hedge by reason of loss of daylight and sunlight, and overbearing effect. Whilst Plots 1 and 2 would provide accommodation across three storeys (i.e., second floor rear dormer windows) the rear dormer windows would remain c.30.0m away from the common boundary with Holly Hedge, well above the 15.0m rear-to-boundary/flank recommended minimum distance specified with Appendix 1 of SPD Outlook, Amenity, Privacy and Daylight (2022), with this separation distance also remaining in character with the area. The dwelling of Holly Hedge

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is also located c.50.0m away (i.e., north/north-east) from the common boundary such that the rear dormer windows of Plots 1 and 2 would be c.80.0m away from the rear elevation of Holly Hedge, well above the 30.0m rear-to-rear elevation recommended minimum distance specified with Appendix 1 of SPD Outlook, Amenity, Privacy and Daylight (2022), with this separation distance also remaining in character with the area. As such Plots 1 and 2 would avoid significant harmful loss of privacy to Holly Hedge.

61. Whilst Plot 3 would demonstrate what could, at best, be described as an unneighbourly relationship with Holly Hedge it would be sited just beyond (c.1.4m - c1.9m) the end of the deep (c.50.0m) rear garden of Holly Hedge. Whilst it is recognised that the presence of Plot 3 would be readily visible from the rear elevation, and private rear garden/patio, of Holly Hedge it nonetheless remains the case that Plot 3 would not be so close and so high so to the dwelling itself of Holly Hedge so as to give rise to a significant harmful overbearing impact, loss of daylight or loss of privacy.
62. Whilst Plot 3 would exert some harm upon the amenity of the private rear garden of Holly Hedge, by reason of an overbearing/enclosing effect and causing some overshadowing, this harm would be restricted to that part of the rear garden most distant from the dwelling of Holly Hedge. The overall depth (c.50.0m) and width (c.22.0m) of the private rear garden of Holly Hedge is such that the impact of Plot 3 could be absorbed without resulting in significant harmful impact upon the amenity of the private garden overall. Whilst a ground floor window (Bedroom 1) would face towards the common boundary with Holly Hedge this window would be located c.1.5m away from the common boundary, beyond the minimum side-to-boundary recommendation set out within Appendix 1 of SPD Outlook, Amenity, Privacy and Daylight (2022) such that it would avoid significant harmful loss of privacy to Holly Hedge. Had the application been recommended for approval a condition would have been recommended to prevent any potential future additional formation/insertion of windows, rooflights, dormer windows or other openings as permitted development (PD) (i.e., PD rights under Schedule 2, Part 1, Classes A, B and C of the GPDO 2015 would have been removed via recommended condition) in order to preserve the privacy of Holly Hedge.

### Other properties:

63. Having regard to the nature, scale, siting and form of the proposed development no material impacts would arise to nearby properties other than those assessed previously.
64. Overall, by reason of its cumulative depth, bulk and proximity to the common boundary with Heathside proposed Plot 2 (where projecting beyond the closest rear elevation and rear patio of Heathside) would give rise to a significant harmful sense of enclosure and overbearing effect in the outlook from the closest rear-facing window (sole window serving the lounge), and the rear patio of Heathside (i.e., that area used for sitting out etc.). Furthermore, for the same preceding reasons, proposed Plot 2 would also give rise to a significant harmful loss of sunlight and overshadowing to Heathside, most particularly to its rear patio area. These factors would be significantly harmful to existing and future occupiers of Heathside. The proposal is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents Design (2015) and Outlook, Amenity, Privacy and Daylight (2022) and the provisions of

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Section 12 of the National Planning Policy Framework (NPPF) (2021).

### Amenities of future occupiers

65. Paragraph 130 of the NPPF (2021) states, inter alia, that "*Planning...decisions should ensure that developments: f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*". Whilst the Council has not adopted the Technical housing standards - nationally described space standard (March 2015) (NDSS) (unless Policy DM11 of the DM Policies DPD (2016) is engaged, which it is not in this instance) they nonetheless remain a useful indicator of the standard of residential accommodation which is proposed. Plots 1 and 2 would each measure 216 sq.m in gross internal area (GIA) (incl. integral garage), thus would very comfortably exceed the relevant minimum gross internal floor area requirement of the NDSS, for 4b8p three storey dwellings (i.e., 130 sq.m). Plot 3 would measure c.133 sq.m GIA, thus would also very comfortably exceed the relevant minimum gross internal floor area requirement of the NDSS, for 3b5p two storey dwellings (i.e., 93 sq.m). All bedrooms of all plots would be sufficiently sized in accordance with the NDSS.
66. All habitable rooms of Plots 1 and 2 would either face south-west or north-east. Those facing south-west would benefit from good levels of sunlight, whilst those facing north-east would not the north-east facing rear elevations of Plots 1 and 2 would nonetheless reflect the orientation of the existing dwelling on the site, as well as those of adjoining Heathside and Hedges, such that this is considered acceptable given these combined factors. The rear elevations of Plots 1 and 2 would also benefit from some sunlight during the early part of the day. All habitable rooms of Plots 1 and 2 would achieve good levels of daylight and outlook.
67. All habitable rooms of Plot 3 would either face north-west, south-west or north-east. The rooms facing north-west, and south-west would benefit from direct sunlight for at least part of the day. The single window facing north-east would serve a secondary function to bedroom 1, the primary window to which would face north-west. All habitable rooms of Plot 3 would achieve good levels of daylight and outlook.
68. The second floor level rear dormer window of Plot 2 would face directly, at c.20.0m separation, towards the facing side elevation of Plot 3, which would contain a ground floor level window serving a secondary function to the open plan family room and kitchen/dining room. This relationship complies with the recommended three storey (and over) front or rear-to-boundary/flank minimum separation distance (of 15.0m) within Appendix 1 of SPD Outlook, Amenity, Privacy and Daylight (2022) albeit is nonetheless, in this context, further indicative of the cramped and contrived nature of the proposed development, particularly the uncharacteristic tandem form of development. The second floor level rear dormer window of Plot 1 would readily facilitate views of the amenity area serving Plot 3 albeit again (at c.20.0m distance) would nonetheless comply with the recommended three storey (and over) front or rear-to-boundary/flank minimum separation distance within Appendix 1 of the SPD.
69. Policy CS21 of the Woking Core Strategy (2012) requires, inter alia, "*appropriate levels of private and public amenity space*". Policy DM10 of the DM Policies DPD (2016) requires, inter alia, that "*suitable soft landscape is*



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*provided for the amenity of each dwelling appropriate in size to both the type of accommodation and the characteristic of the locality". SPD Outlook, Amenity, Privacy and Daylight (2022) states (at para 3.7) that "In established residential areas, where the existing pattern of development has a well-defined character, the size, shape and position of the garden will need to reflect the existing context and be in proportion to the size of dwelling proposed" and (at para 3.8) that "Where appropriate, the area of private garden should approximate with gross floorspace of the dwelling but it is advised that it should generally be as large as the building footprint of the dwelling house. This principle will be subject to the existing character of the local context" (emphases added). Appendix 1 of the SPD sets out recommended minimum garden amenity areas stating that for large family dwelling houses (e.g., over 150 sq.m gross floorspace) "A suitable area of private garden amenity in scale with the building. E.g., greater than the gross floor area of the building" (emphasis added) should be provided and that for all other dwelling houses two bedrooms or more and 70 sq.m or more gross floorspace "A suitable area of private garden amenity in scale with the building but generally no smaller than the building footprint (depending on existing context)" should be provided.*

70. Plots 1 and 2 would each measure 216 sq.m in gross floorspace (incl. integral garage). The private garden of Plot 1 (to rear) would measure c.70 sq.m (compared to c.100 sq.m under refused ref: PLAN/2022/0328) and that of Plot 2 (to rear/east side) c.102 sq.m (compared to c.133 sq.m under refused ref: PLAN/2022/). The private garden of Plot 1 would therefore equate to c.32.4% of the gross floorspace of the dwelling (compared to c.46% under refused ref: PLAN/2022/0328). The private garden of Plot 2 would equate to c.47.2% of the gross floorspace of the dwelling (compared to c.61% under refused ref: PLAN/2022/0328). The sizes of the Plot 1 and 2 private gardens, in relation to the gross floorspace of these dwellings, is further indicative of the cramped and contrived nature of the development proposed and further evidence of the incompatibility of the development proposed with the grain and pattern of development, and with the size and shape private gardens, in the local area. Plot 3 would measure 133 sq.m in gross floorspace and its private garden (north-west side) would measure c.180 sq.m. Whilst the size of the private garden of Plot 3 would be in proportion to its gross floorspace as previously set out it would fail to reflect the existing context of the area because it would be located in an uncharacteristic manner (i.e., in front) in relation to the Plot 3 dwelling.
71. The preceding findings reinforce the previous conclusion that, by reason of its layout and the inappropriate sub-division of an existing curtilage to sizes substantially below that prevailing in the area, the proposed development would result in an unduly contrived, discordant and incongruous form of development which would fail to respect and make a positive contribution to the street scene and the character of the area in which it would be situated and fail to reflect the prevailing grain and pattern of development within the area in which it would be situated. The proposed development is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Policy DM10 of the Development Management Policies DPD (2016) and SPD Outlook, Amenity, Privacy and Daylight (2022).

### Highways and parking

72. Policy DM10 of the DM Policies DPD (2016) requires that "*the means of access is appropriate in size and design to accommodate vehicles and pedestrians*

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*safely and prevent harm to the amenities of adjoining residents and is in keeping with the character of the area*". Access to the site traverses a section of Jackmans Lane which is both registered as Common Land and is a Public Right of Way (PROW, Footpath 103). Woking Borough Council (WBC) owns the relevant section of Jackmans Lane. It should be noted that any grant of planning permission would not authorise use of Jackmans Lane for vehicular access to any new dwellings on the site, rather this would be dependent on a private vehicular right of access or easement, or the permission of the landowner (WBC), these are matters which would be dealt with separately to the planning application process in the event planning permission was to be granted. Without such private rights vehicular access to and from the new dwellings along Jackmans Lane would be an offence under Section 34 of the Highways Act 1980. It must also be stressed that there is a clear distinction in the role of WBC as the Local Planning Authority and its role as a landowner of the relevant section of Jackmans Lane.

73. Whilst the Countryside Access Office of Surrey County Council (SCC) have not made any comments in respect of the present application a consultation response was received in respect of previous (and very similar) application ref: PLAN/2022/0924, raising no objection to that application. Were the application recommended for approval a Construction Management Plan would have been recommended to be secured via condition to ensure the safety of Public Footpath users throughout the construction phase and that safe public access along the Footpath must be maintained at all times (without an official temporary closure order from SCC). Whilst the proposed development would result in an increase in vehicular traffic traversing this section of Jackmans Lane (due to 2 net dwellings) it is not considered that the resulting level of vehicular traffic would be significant or have a significant adverse impact on the PROW. It is understood that any (separate from the planning process) grant of a private vehicular right of access or easement for the 2 net dwellings (which would need to be granted by WBC as landowner of Jackmans Lane) would bring with it a requirement to contribute financially towards the upkeep of the surface of Jackmans Lane, this would be capable of mitigating the impact of additional vehicular traffic on the surface of the lane.
74. Had the application been recommended for approval a Construction Management Plan would have been secured via condition due to the presence of the PROW along Jackmans Lane. Whilst the 2 net dwellings would also require refuse/recycling collections such collections already take place in respect of the existing dwelling on the site (and other Jackmans Lane dwellings including Heathside, Hedges and Old Stable Cottage) and as such there would be no increase in refuse/recycling vehicle access to the site as the refuse/recycling bins for all three proposed dwellings would be collected at the same time. The County Highway Authority (CHA, SCC) comment that the site is accessed via Jackmans Lane, which does not form part of the public highway, therefore it falls outside the jurisdiction of the CHA. The CHA comment that they have considered the wider impact of the proposed development and consider that it would not have a material impact on the safety and operation of the adjoining public highway.
75. Policy CS18 of the Woking Core Strategy (2012) states that minimum car parking standards will be set for residential development, outside of Woking Town Centre, as in this instance. Accordingly, SPD Parking Standards (2018) sets out the following relevant minimum residential parking standards:

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<b>Plot No.</b>	<b>No. of bedrooms</b>	<b>Minimum on-site vehicle parking spaces per house or bungalow</b>	<b>No. of parking spaces proposed</b>	<b>SPD Parking Standards (2018) Compliant?</b>
1	4	3	3 (2 surface & 1 integral garage)	Yes
2	4	3	3 (2 surface & 1 integral garage)	Yes
3	3	2	2 (both surface)	Yes

76. As can be seen from the above the proposed development complies with the minimum requirements of SPD Parking Standards (2018). It is acknowledged that the first floor level 'Living Room' of both Plots 1 and 2 could be repurposed by future occupiers as a bedroom, resulting in these plots/dwellings providing 5+ bedroom accommodation. However, table 3 of SPD Parking Standards (2018) identifies the same minimum on-site vehicle parking standard (3 spaces) for both 4 and 5+ bedroom houses such that any potential repurposing of this room would be of no consequence in parking terms. The integral garages to Plots 1 and 2 comply with the minimum size of a garage (6m x 3m), as per section 4.2 of SPD Parking Standards (2018), and can therefore contribute towards parking provision, although can only contribute 50% towards overall parking provision as per section 4.2 of the SPD. Had the application been recommended for approval a condition would have been recommended to preclude any potential conversion of the Plot 1 and 2 integral garages to habitable accommodation to ensure their retention for parking purposes.
77. In respect of cycle parking SPD Parking Standards (2018) requires the provision of "2 spaces per dwelling" for "C3 Dwelling houses (family houses, up to 6 residents living as a single household, including households where care is provided)". Whilst no cycle parking provision has been detailed within the application submission (and the integral garages to Plots 1 and 2 would not meet the minimum size – as per section 4.2 of the SPD – so as to be used for cycle storage alongside car parking) the private gardens of all proposed plots would be capable of accommodating a small structure to accommodate secure and covered storage, had the application been recommended for approval such details/provision would have been secured via recommended condition. A condition would also have been recommended to secure details/provision of electric vehicle (EV) charging points, as per section 6.1 of SPD Climate Change (2013) (i.e., at least 1 passive EV charging point per dwelling).
78. Overall, subject to conditions which would have been recommended had the application been recommended for approval, the highways and parking implications of the proposed development are acceptable.

Arboriculture

79. Policy CS21 of the Woking Core Strategy (2012) states, inter alia, that "Proposals for new development should... Incorporate landscaping to enhance the setting of the development, including the retention of any trees of amenity

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*value, and other significant landscape features of merit, and provide for suitable boundary treatment/s". Policy DM2 of the DM Policies DPD (2016) states that "Trees, hedgerows and other vegetation of amenity and/or environmental significance or which form part of the intrinsic character of an area must be considered holistically as part of the landscaping treatment of new development. When considering development proposals, the Council will...require landscape proposals for new development to retain existing trees and other important landscape features where practicable...require any trees which are to be retained to be adequately protected to avoid damage during construction...require adequate space to be provided between any trees to be retained and the proposed development (including impervious surfaces)".*

80. The application has been submitted with an initial tree survey, a tree constraints plan and an arboricultural impact assessment (AIA, including a tree protection plan). The AIA report (Issued date: 23/06/2022) states that (i.e., compared to refused ref: PLAN/2022/0328) *"the proposed driveway layout has been moved further to the North, away from the Beech tree (T1) located at the front of the development. The proposed driveway is now almost entirely over the existing driveway with only a small section of enlargement"*. The AIA report identifies that one C grade (low quality) group of trees (ref: G2, Magnolia) require removal in order to facilitate the proposed development and that one A grade tree (high quality), 3 B grade trees (moderate quality) and 2 C grade trees (low quality) require minor pruning works to facilitate the proposed development. The AIA report summarises any encroachments/ coverings into root protection areas (RPAs) of retained trees and suggests appropriate techniques to minimise impacts. The report also identifies measures (i.e., protective barriers / ground protection) to protect retained during the course of site works.
81. The Council's Senior Arboricultural Officer considers the submitted arboricultural information to be acceptable provided that it is complied with in full, and that details of no-dig driveway construction and service and drainage runs will be required to be submitted for the approval of the LPA prior to the commencement of development. Overall, subject to conditions which would have been recommended had the application been recommended for approval, the arboricultural impacts of the proposed development are considered to be acceptable.

### Ecology and biodiversity

82. The NPPF states that *"planning...decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity"* (paragraph 174). Circular 06/05 - Biodiversity and Geological Conservation provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system. These provisions are reflected within Policy CS7 of the Woking Core Strategy (2012). Paragraph 180 of the NPPF sets out the principles that local planning authorities should apply when determining planning applications.
83. The site falls within the Urban Area and is laid to a combination of hard surfacing, building footprint or lawn with some ornamental planting. There is no habitat of particular ecological value within the site. Whilst there is a well-treed rural area to the south-western side of this section of Jackmans Lane, this

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being within the Green Belt and designated as a Site of Nature Conservation Importance (SNCI), Jackmans Lane separates the site from this well-treed area. As such there would be no direct impact upon the SNCI resulting from the proposed development. Whilst there would be construction traffic associated with the proposed development had the application been recommended for approval a Construction Management Plan would have been secured via conditions. Whilst the proposed development would result in an increase in vehicular traffic traversing this section of Jackmans Lane (due to 2 net dwellings) it is not considered that the resulting level of vehicular traffic would be significant or have a significant adverse impact on the adjacent SNCI.

84. Additional light pollution from further windows would not be significant in ecological terms as it would be internal in nature. Had the application been recommended for approval a condition would have been recommended to secure details of external lighting, in the interests of bats.

### Flooding and water management

85. Policy CS9 of the Woking Core Strategy (2012) states that *“The Council will determine planning applications in accordance with the guidance contained within the NPPF. The SFRA will inform the application of the Sequential and Exceptional Test set out in the NPPF”*. Policy CS9 also states that *“The Council expects development to be in Flood Zone 1 as defined in the SFRA”* and that *“A Flood Risk Assessment will be required for development proposals within or adjacent to areas at risk of surface water flooding as identified in the SFRA”*. Paragraph 159 of the NPPF (2021) states that *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)”*.
86. The site falls within the lowest probability of fluvial (i.e., river and sea) flooding, as identified on the Gov.uk Flood map for planning, and therefore no fluvial flooding issues arise. However, the Council’s Strategic Flood Risk Assessment (SFRA) (November 2015) identifies part of the application site to be at a medium risk of surface water flooding with areas also identified as being at high (and medium) risk of surface water flooding adjoining the application site (to the east and south), including an area of high risk along part of Jackmans Lane to the front of the site, including across the entrance to the site from Jackmans Lane (this entrance would serve the x3 proposed dwellings). According to the SFRA the area within the application site identified as being at medium risk of surface water flooding includes part of the proposed driveway between the new dwellings and Jackmans Lane (i.e., located to the front of Plot 2) and part of the Plots 1 and 2 building footprint. Paragraph 161 of the NPPF (2021) requires the application of a sequential approach to the location of development taking account of the potential and future risk of all sources of flooding, to avoid, where possible, flood risk to people and property (emphasis added). The proposed development would result in three (two net) new dwellings and new (additional) residential occupiers living in an area at medium risk of surface water flooding, and with sole access to those dwellings taking place across an area of high surface water flood risk, increasing the risk of flooding to people and property.
87. Paragraph 162 of the NPPF (2021) states development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential test aims to

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steer development to areas with the lowest risk of flooding from any source. Paragraph 162 of the NPPF (2021) also states that the strategic flood risk assessment will provide the basis for applying this test and that the sequential approach should be used in areas known to be at risk now or in the future from any form of flooding (emphasis added). If it is not possible for a development to be located in areas with a lower risk, the exception test may have to be applied. This approach is consistent with Policy CS9 of the Woking Core Strategy (2012).

88. The Planning Practice Guidance (PPG) advises that the sequential approach *“is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding.”* (Paragraph: 023, Reference ID: 7-023-20220825, Revision date: 25 08 2022). The development would be sited on land partly at medium risk of surface water flooding, and with sole access to the x3 proposed dwellings taking place across an area of high surface water flood risk, so the sequential test is required.
89. No Flood Risk Assessment (FRA) or drainage statement has been submitted with the application and no information has been provided to enable the Local Planning Authority to determine that the sequential test is passed. This information has not been requested given that its potential provision would not overcome other significant concerns with the application. There is no evidence to demonstrate that there are no other appropriate sites reasonably available in areas with a lower flood risk from all sources. Consequently, the sequential test cannot be satisfied. That the application site lies within the lowest probability of fluvial (i.e., river and sea) flooding does not obviate the need for the sequential test due to surface water flood risk. Even in the event that there could be a future drainage betterment, no evidence has been provided to demonstrate the proposed development would be removed from an area at risk of surface water flooding, or how this would be achieved in the design. Matters such as flood resistant design measures are matters to be dealt with after the sequential test has been passed.
90. Whilst the Lead Local Flood Authority (LLFA) (Surrey CC) have raised no objection to the present application, providing that a surface water drainage condition is attached, the LLFA are a consultee on planning applications (as opposed to the decision-maker) and will not have considered the application of the sequential test in preparation of their consultation response. The sequential test is applied by the LPA based on submissions made by the applicant and any pertinent advice.
91. 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 high risk of surface water flooding (as identified in the Council's Strategic Flood Risk Assessment (November 2015)), and in the absence of information to demonstrate that the sequential test is satisfied in that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding from all sources, the proposed development conflicts with the aims of Policy CS9 of the Woking Core Strategy (2012) which requires that proposals must avoid areas at risk of flooding where possible and prioritise development in areas with the lowest risk of flooding. The proposed

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development also conflicts with paragraphs 159 and 162 of the National Planning Policy Framework (NPPF) (2021), and paragraph 7-023-20220825 (Revision date: 25 08 2022) of the Planning Practice Guidance (the PPG).

92. It is recognised that previous ref: PLAN/2022/0328 was not refused (decision date: 30 May 2022) on flood risk grounds. However, on 25 August 2022, government published a comprehensive update to the Flood risk and coastal change section of the Planning Practice Guidance (the PPG), these updates include when/how the sequential and exception tests should be applied to improve speed, certainty and effectiveness and surface water flood risk and how it should be considered and addressed. Upon publication, the updated PPG came into immediate effect and is therefore a material planning consideration in the determination of the present application.

### Thames Basin Heaths Special Protection Area (TBH SPA)

93. The Thames Basin Heaths Special Protection Area (TBH SPA) is an internationally important site of nature conservation and has been given the highest degree of protection under the Conservation of Habitats and Species Regulations 2017, technical changes to which have been made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 following EU exit. As such EU exit has no bearing on the protection afforded to the TBH SPA.
94. Policy CS8 of the Woking Core Strategy (2012) states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "Habitat Regulations 2017")). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.
95. Policy CS17 of the Woking Core Strategy (2012) states that "*New residential units within five km of an SPA will be required to provide or contribute to the provision and improvement of Strategic Alternative Natural Greenspace (SANG) which is a component of Green Infrastructure and also its Strategic Access Management and Monitoring (SAMM). This land will be used to mitigate the impact and effect of residential development on the SPA, by providing informal recreation land of appropriate quality across Woking Borough*".
96. Policy CS8 of the Woking Core Strategy (2012) requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBH SPA boundary, to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL.

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97. The proposed development would require a S106 financial contribution of £2,412 (i.e., £1,206 x2) for the uplift of x2 4+ bedroom dwellings (proposed Plot 3 would provide 3 bedrooms, as per the existing dwelling to be demolished). The Appropriate Assessment concludes, as of the date the Appropriate Assessment was completed, that there would be no adverse impact on the integrity of the TBH SPA providing the S106 contribution is secured through a S106 Legal Agreement. For the avoidance of doubt, and as of the date the Appropriate Assessment was completed, sufficient SANG at Brookwood Country Park has been identified to mitigate the impacts of the proposed development. However, due to significant concerns with the application, the applicant has not been requested to provide a completed S106 Legal Agreement during the course of the application in order to secure the S106 contribution of £2,412. The potential provision of a S106 Legal Agreement in this respect would not overcome other significant concerns with the application and the applicant would nonetheless be free to submit a completed S106 Legal Agreement during the course of any appeal in order to address this refusal reason.
98. In view of the above, and in the absence of a S106 Legal Agreement to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the two net additional dwellings would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area, either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects, contrary to The Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations"), saved Policy NRM6 of the South East Plan 2009, Policies CS8 and CS17 of the Woking Core Strategy (2012) and the Updated Thames Basin Heath Avoidance Strategy (2022).

### Affordable housing

99. Policy CS12 of the Woking Core Strategy (2012) states that all new residential development will be expected to contribute towards the provision of affordable housing and that, on sites providing fewer than five new dwellings, the Council will require a financial contribution equivalent to the cost to the developer of providing 10% of the number of dwellings to be affordable on site. However, Paragraph 64 of the NPPF (2021) states that "*Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)*".
100. Whilst it is considered that weight should still be afforded to Policy CS12 it is considered that more significant weight should be afforded to Paragraph 64 of the NPPF. The proposal is not major development and is not within a designated rural area, therefore no affordable housing contribution is sought.

### Energy and water consumption

101. Policy CS22 of the Woking Core Strategy (2012) seeks to require new residential development to achieve Code for Sustainable Homes Level 5 from 2016 onwards. However, a Written Ministerial Statement to Parliament, dated 25 March 2015, sets out the Government's expectation that any Development Plan policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the



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(now abolished) Code for Sustainable Homes; this is equivalent to approximately 19% above the requirements of Part L1A of the 2010 Building Regulations. This is reiterated in Planning Practice Guidance (PPG) on Climate Change, which supports the NPPF.

102. Part L of the Building Regulations was updated in June 2022 and now requires an energy performance improvement for new dwellings of 31% compared to the 2010 Building Regulations. The current Building Regulations therefore effectively require a higher energy performance standard than what Policy CS22 would ordinarily require. As such, had the application been recommended for approval it would not have been necessary to recommend a condition relating to energy performance as more stringent standards are required by separate regulatory provisions (i.e., the Building Regulations).
103. However, the LPA requires all new residential development to achieve as a minimum the optional requirement set through Part G of the Building Regulations for water efficiency, which requires estimated water use of no more than 110 litres/person/day. Had the application been recommended for approval this requirement would have been secured through recommended condition.

### Local finance considerations

104. The proposed development would be Community Infrastructure Levy (CIL) liable. The proposed development would have a CIL chargeable area of 436.00 sq.m (the net additional floorspace following demolition of the existing dwelling). The relevant CIL rate would be £125.00 per sq.m plus indexation (i.e., between 1 Jan '23 - 31 Dec '23 the indexed rate is £171.33 per sq.m). The relevant CIL charge would therefore be **£74,700.77**.

### Conclusion

105. In conclusion, whilst the provision of two net dwellings would make a small contribution to housing supply the housing supply position in the Borough is not acute and the adopted Site Allocations DPD (2021) allocates specific sites to meet needs for, inter alia, housing to cover the plan period to 2027. Moreover, for the reasons set out below, the proposed development would conflict with the policies of the Development Plan and the NPPF (2021). There are no material considerations that indicate the application should be determined other than in accordance with the Development Plan and the NPPF (2021) and therefore, for the reasons given below, it is recommended that planning permission be refused.

### **BACKGROUND PAPERS**

PLAN/2022/0328 File

Site visit photographs

x26 Letters of representation

Consultation response from Senior Arboricultural Officer (WBC)

Consultation response from Lead Local Flood Authority (LLFA) (Surrey CC)

Consultation response from County Highway Authority (Surrey CC)

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### **RECOMMENDATION**

**Refuse** planning permission for the following reasons:

01. By reason of its layout (including the tandem, backland tier of development proposed and the vehicular access arrangements and extent of hard surfacing), the inappropriate sub-division of an existing curtilage to sizes substantially below that prevailing in the area and the form, scale and appearance of all proposed three dwellings (including the provision of a two-and-a-half storey semi-detached pair fronting Jackmans Lane), the proposed development would result in an unduly contrived, discordant and incongruous form of development which would fail to respect and make a positive contribution to the street scene and the character of the area in which it would be situated, fail to reflect the prevailing grain and pattern of development within the area in which it would be situated and would fail to respect the transition between the Urban Area and the Green Belt. The proposed development is therefore contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), Policies DM10 and DM13 of the Development Management Policies DPD (2016), SPDs Design (2015) and Outlook, Amenity, Privacy and Daylight (2022) and the National Planning Policy Framework 2021 (NPPF) (particularly paragraphs 126 and 130(b)).
02. By reason of its cumulative depth, bulk and proximity to the common boundary with Heathside proposed Plot 2 (where projecting beyond the closest rear elevation and rear patio of Heathside) would give rise to a significant harmful sense of enclosure and overbearing effect in the outlook from the closest rear-facing window (sole window serving the lounge), and the rear patio of Heathside (i.e., that area used for sitting out etc.). Furthermore, for the same preceding reasons, proposed Plot 2 would also give rise to a significant harmful loss of sunlight and overshadowing to Heathside, most particularly to its rear patio area. These factors would be significantly harmful to existing and future occupiers of Heathside. The proposal is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents Design (2015) and Outlook, Amenity, Privacy and Daylight (2022) and the provisions of Section 12 of the National Planning Policy Framework (NPPF) (2021).
03. 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 high risk of surface water flooding (as identified in the Council's Strategic Flood Risk Assessment (November 2015)), and in the absence of information to demonstrate that the sequential test is satisfied in that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding from all sources, the proposed development conflicts with the aims of Policy CS9 of the Woking Core Strategy (2012) which requires that proposals must avoid areas at risk of flooding where possible and prioritise development in areas with the lowest risk of flooding. The proposed development also conflicts with paragraphs 159 and 162 of the National Planning Policy Framework (NPPF) (2021), and paragraph 7-023-20220825 (Revision date: 25 08 2022) of the Planning Practice Guidance (the PPG).
04. In the absence of a S106 Legal Agreement to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the two net additional dwellings would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area, either alone or in combination with other plans and projects in relation to urbanisation and

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recreational pressure effects, contrary to The Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations"), saved Policy NRM6 of the South East Plan 2009, Policies CS8 and CS17 of the Woking Core Strategy (2012) and the Updated Thames Basin Heath Avoidance Strategy (2022).

### Informatives

01. The plans and particulars relating to the application hereby refused are numbered/titled (all rec'd by the LPA on 04.01.2023):

1608 EX10-001 (Location Plan), dated 05/10/2021

1608 EX10-003 (Existing Site Plan), dated 04/04/2022

1608 EX13-001 (Existing Ground Floor Plan), dated 05/10/2021

1608 EX13-002 (Existing Roof Plan), dated 05/10/2021

1608 EX13-100 (Existing Elevations), dated 05/10/2021

1608 EX13-101 (Existing Elevations), dated 05/10/2021

1608 PL10-001h (Proposed Site Plan), dated 13/12/2022

1608 PL13-001d (Proposed Ground Floor Plan - Plot 1 & 2), dated 13/12/2022

1608 PL13-002b (Proposed First Floor Plan - Plot 1 & 2), dated 13/12/2022

1608 PL13-003c (Proposed Second Floor Plan - Plot 1 & 2), dated 13/12/2022

1608 PL13-004c (Proposed Roof Plan - Plot 1 & 2), dated 13/12/2022

1608 PL13-010b (Proposed Ground Floor Plan - Plot 3), dated 13/12/2022

1608 PL13-011c (Proposed First Floor Plan - Plot 3), dated 13/12/2022

1608 PL13-012c (Proposed Roof Plan - Plot 3), dated 13/12/2022

1608 PL13-100b (Proposed Elevations - Plot 1 & 2), dated 13/12/2022

1608 PL13-101b (Proposed Elevations - Plot 1 & 2), dated 13/12/2022

1608 PL13-110a (Proposed Elevations - Plot 3), dated 13/12/2022

1608 PL13-200b (Proposed Sections - Plots 1, 2 & 3), dated 13/12/2022

1608 PL34-001 (Shadows), dated 13/12/2022

Design & Access Statement (Amended Scheme), prepared by Form Design Group, dated December 2022 (Ref: 1608) (20pp)

Tree Constraints Plan, prepared by Dryad Tree Specialists Ltd (Drawing No: D2877.V1.2-A3-TCP Rev 1.2), dated 24/06/2022

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Arboricultural Impact Assessment report, prepared by Dryad Tree Specialists Ltd (Ref No: D2877.V1.2-AIA), dated 23/06/2022

Tree Protection Plan (AIA), prepared by Dryad Tree Specialists Ltd (Drawing No: D2877.V1.2-A3-TPP (AIA) Rev 1.2), dated 24/06/2022

02. This statement is provided in accordance with Article 35(2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015. Woking Borough Council seeks to take a positive and proactive approach to development proposals. The Council works with applicants in a positive and proactive manner by:

- Offering a planning pre-application advice service; and
- Where possible officers will seek minor amendments and/or additional information to overcome issues identified during the application process.

In this instance the present application follows the refusal of application ref: PLAN/2022/0328 and the withdrawal of subsequent application ref: PLAN/2022/0924 (which was recommended for refusal). The present application makes some changes compared to previously refused application ref: PLAN/2022/0328 although the provision of a backland, tandem form of development is considered to remain unacceptable and the changes which have been made compared to previously refused application ref: PLAN/2022/0328 have not overcome the previous concerns and have given rise to additional harmful impacts.

03. In the event that the applicant should wish to appeal against this decision a Section 106 Legal Agreement would be required to address the TBH SPA issue. A Section 106 unilateral undertaking appeal template is available to download at:

<https://www.woking.gov.uk/planning-and-building-control/planning/policies-and-guidance/section-106-agreements>

A completed, signed version of this template should be submitted to both the Planning Inspectorate and the Local Planning Authority as soon as possible during the course of any appeal.