

Appeal Decision

Site visit made on 23 August 2016

by Alan Woolnough BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 September 2016

Appeal Ref: APP/A3655/C/16/3148217

Throwleigh Lodge, Ridgeway, Horsell, Woking, Surrey GU21 4QR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Mahmood Allibhai, Allied Care Ltd, against an enforcement notice issued by Woking Borough Council.
- The Council's reference is ENF/2016/00011.
- The notice was issued on 15 March 2016.
- The breach of planning control as alleged in the notice is: 'Without planning permission, the construction of a detached flat roof grey modular outbuilding measuring 3.00m in length, 5.00m in width and 2.98m in height'.
- The requirements of the notice are:
 - (i) Remove the unauthorised outbuilding described at paragraph 3 above.
 - (ii) Remove from the Land all materials, rubble and debris arising from compliance with requirement (i) above.
- The period for compliance with the requirements is 12 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the 1990 Act as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld.

Main Issue

1. The main issue in determining this appeal is the effect of the development on the character and appearance of the surrounding area, including the setting of the main building at Throwleigh Lodge.

Planning Policy

2. The development plan includes the Woking Borough Core Strategy 2012 (CS) and certain policies of the Woking Local Plan 1999 (LP) which have been saved following a Direction made by the Secretary of State. Paragraph 215 of the National Planning Policy Framework (the Framework) records that due weight should be given to relevant policies in existing plans according to their degree of consistency with it.
3. I find no significant conflict between the Framework and the development plan policies cited in this case. Accordingly, I will give them full weight so far as they are relevant to the appeal scheme.

Reasoning

4. Throwleigh Lodge is a residential care home located on a large corner plot on a residential estate. The main building is a prestigious property of considerable
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architectural merit and is locally listed. The surrounding area is characterised by a mix of large dwellinghouses of varied but high quality design, predominantly detached and set back from the road behind well landscaped front gardens. Overall, the locality exudes a spacious, sylvan and very attractive sense of place.

5. This is eroded markedly by the appeal development. The building in question has the appearance of a converted shipping container. Set to the side of the main home it abuts the property's road frontage with Ridgeway Gardens, from where its grey metal construction and flat roofed form are clearly discernible. Boundary screening is far from sufficient to mitigate the visual impact of the unit, which projects well above the frontage fence.
6. The development does not mirror any meritorious features of the host property or the wider street scene or blend in with its surroundings in any way. Rather, it draws the eye over considerable distance as an incongruous and unsightly intrusion, an impression exacerbated by openings in the north-east elevation that protrude in part over the top of the fence. Although grouped closely with other flat roofed buildings within the appeal site, it adds to the visual harm that these already cause and stands out from its built surroundings rather than being subsumed by them.
7. The Appellant has suggested that the building might be rendered acceptable through the addition of timber cladding and a pitched roof with the aim of creating something with an appearance more akin to that of a garden shed or domestic garage. However, no drawings have been submitted to indicate the effect that such a treatment might have in practice. Moreover, to grant planning permission subject to a condition requiring such details would be to deny interested parties a formal opportunity to comment on the changes, which of itself would be unjust.
8. In any event, in the absence of cogent evidence to the contrary I am not persuaded that it would be possible to adapt such a utilitarian structure in a visually acceptable way. The chosen location is so prominent that even an outbuilding of more domestic appearance would have to exhibit a particularly high standard of design in order to preserve rather than detract from the street scene.
9. I conclude that the appeal development detracts to an unacceptable degree from the setting of the host property and the character and appearance of the wider area. Its retention would therefore be contrary to CS Policy CS21, saved LP Policy BE1 and the relevant objectives of the Framework.

Other Matters

10. I have considered all the other matters raised. I find no reason to question the value of the home to the local community. The Appellant advises that the unit functions as an activity room/workshop used by patients with learning difficulties and that its loss would cause disruption to their daily lives and routines. However, the worth of this particular facility has not been substantiated by supporting evidence and it has not been demonstrated that any disruption caused would, of itself, be unduly harmful to patients' interests.
11. Nor has it been shown that a replacement facility could not be accommodated within the main building until the provision of a more aesthetically pleasing or

less prominently located outbuilding could be secured lawfully. The 12 month period for complying with the enforcement notice provides ample time in which to finalise and implement such a scheme.

12. Temporary planning permission was granted by the Council for a portable building in roughly the same location in 2012 (ref no PLAN/2012/2015). However, this expired in July 2014, so does not provide a lawful fallback position. In any event, the approved plans show a building that would have been less harmful to its setting than that subject to the current notice.
13. I have noted the Appellant's comments regarding failed attempts to negotiate a solution with the Council. However, such concerns are not matters for me and, if necessary, fall to be pursued by other means outside my remit. Therefore, neither these nor any other matters are of such significance as to outweigh the considerations that have led to my conclusion on the main issue.

Conclusion

14. For the reasons given above I conclude that the appeal should not succeed. I will uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

15. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Alan Woolnough

INSPECTOR