
Appeal Decision

Site visit made on 29 November 2016

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 21 December 2016

Appeal Ref: APP/A3655/D/16/3151385

27 Arthurs Bridge Road, Surrey, Woking GU21 4NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Mansfield against the decision of Woking Borough Council.
 - The application Ref PLAN/2016/0331, dated 21 March 2016, was refused by notice dated 27 May 2016.
 - The development proposed is installation of summer house to rear of back garden.
-

Decision

1. The appeal is allowed and planning permission is granted for installation of summer house to rear of back garden at 27 Arthurs Bridge Road, Woking, Surrey GU21 4NT in accordance with the terms of the application, Ref PLAN/2016/0331, dated 21 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: Site Location Plan, Block Plan and two 'Log construction' plans both marked V01 – 2013.
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those specified in Section 11 of the original planning application form.
 - 4) Notwithstanding the width dimension of the summer house shown on approved drawing V01-2013 (ground plan) the summer house shall be constructed no wider than 4m.

Procedural Matter

2. Since the appeal was submitted the Woking Development Management Policies Development Plan Document was adopted on 20 October 2016. The Council have subsequently confirmed that there are no new relevant policies or superseded policies relating to this appeal. Accordingly, I have determined the appeal on the basis of the policies referred to in the Council's reason for refusal.

Main Issues

3. There is some dispute between the parties in relation to the width of the proposal originally applied for. The Council consider that the block plan is
-

inconsistent with the plans showing the floor plan and elevations of the proposal, showing a width of 4m, whereas the latter plans show a width of 4.8m. Furthermore, that this meant they were unable to accurately assess the effects of the proposal in terms of visual impact and neighbouring amenity.

4. Consequently, the main issues in this appeal are the effects of the proposal on the character and appearance of the area and the living conditions of neighbouring occupiers, with particular regard to outlook.

Reasons

5. The appeal property is a two storey semi-detached dwelling with a narrow, rectangular rear garden and located in a row of similar properties. The gardens back onto the A324 and there is a belt of mature trees and landscaping that limit views of the rear gardens from it.
6. The appellant has clarified that the summer house is a bespoke structure, to be reduced in size once delivered to the site, from the 4.8m shown on the ground plan to 4m wide and that the drawings are standard drawings that could not be changed. This is somewhat unfortunate and could have been easily avoided had the appellant amended the ground plan in accordance with the block plan. Nevertheless, were I to grant permission on the basis of the submitted drawings that were before the Council, as I am required to do, it would allow a proposal to be built up to the 4.8m wide, notwithstanding the appellant's contention otherwise.
7. The rear gardens are of a modest size and narrow width. Although outbuildings were a feature of neighbouring properties, a 4.8m wide summerhouse would fill the majority of the width of the rear garden and be very close to the side boundaries. Overall, such a structure would appear somewhat cramped in this context.
8. Given the nature of the dispute it is reasonable to consider whether otherwise unacceptable development could be made acceptable through the use of conditions¹. Accordingly, I have sought the views of the parties regarding the use of a suitably worded planning condition that would restrict the width of the summer house to no wider than 4m, were I minded to allow the appeal.
9. The Council contend that such a condition would still provide for ambiguity in respect of the eaves and ridge height and moreover, the siting of the structure. However, it is only the width of the proposal that is in question and the ridge heights are clearly shown on the drawings. The imposition of such a condition would relate to a minor modification that would provide clarity and certainty as to the scope of the proposal.
10. Moreover, such a restriction would ensure greater space to the side boundaries and ultimately a building of a lesser scale, regardless of its exact siting. In my view, such a restriction would prevent the proposal from appearing cramped and shoehorned between the side boundaries and it would be in keeping with the character and appearance of the area and would not appear overbearing or visually intrusive from neighbouring properties. It would make an otherwise unacceptable development, acceptable and I see no reason why the Council could not take action at a later date, if the development is erected in breach of

¹ Paragraph 203 of the National Planning Policy Framework.

such a condition. It would comply with the relevant tests set out within paragraph 206 of the National Planning Policy Framework.

11. For these reasons and subject to such a condition, the proposal would not cause harm to the character and appearance of the area or the living conditions of neighbouring occupiers in terms of outlook. It would not conflict with Policy CS21 of the Woking Local Development Document Core Strategy 2012 which, amongst other things, requires development to respect local character and achieve a satisfactory relationship to adjoining properties.

Conditions

12. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. A condition is required to ensure compliance with the approved plans as this provides clarity. Furthermore, a condition that external materials match those set out on the original application form is necessary in the interests of the character and appearance of the area.
13. For the reasons set out above I have imposed a condition to restrict the width of the summer house to no wider than 4m. The Council have requested a condition that the summer house is used only for purposes ancillary and incidental to the residential use of the dwellinghouse. However, I find that this is unnecessary as it would remain open for the Council to consider whether any change in future activity or the use of the building results in a material change of use that requires planning permission. I have not therefore imposed it.

Conclusion

14. For the reasons set out above and having considered all other matters raised, the proposal would not conflict with the development plan, when read as a whole. I therefore conclude that the appeal should be allowed.

Richard Aston

INSPECTOR