



Appeal Decision

Site visit made on 15 August 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 16 September 2019

Appeal Ref: APP/D3640/W/19/3230441

13 Windlesham Delivery Office, Updown Hill, Windlesham GU20 6DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Michael Weeks of Runnymede Homes Ltd against the decision of Surrey Heath Borough Council.
 - The application Ref 19/0177, dated 28 February 2019, was refused by notice dated 9 May 2019.
 - The application sought planning permission for erection of a two storey building comprising a retail unit (A1) on the ground floor and 3 one bedroom flats, 1 two bedroom and 1 three bedroom semi-detached dwellings, 3 two bedroom terraced dwellings, 2 car barns, a detached garage/studio for 15 Updown Hill, and associated parking, gardens and alteration to access, following demolition of existing retail unit and dwelling, garage, former sorting office and garage/studio of 15 Updown Hill without complying with a condition attached to planning permission Ref 17/1132, dated 8 March 2018.
 - The condition in dispute is No 2 which states that: The proposed development shall be built in accordance with the following approved plans all received 12.12.17:
 - - Location Plan 201711/001A - Site Plan 201711/002C - Garage Plan 201711/012 - Plots 1-4 Proposed Floorplans 201711/003A - Plots 1-4 Proposed Front and Rear Elevations 201711/004 - Plots 1-4 Proposed Side Elevations 201711/005 - Plots 5-7 Proposed Elevations and Ground Floor Plan 201711/006 - Plots 5-7 Proposed Elevations and First Floor Plan 201711/007A - Plots 8-9 Proposed Elevations and Ground Floor Plan 201711/008 - Plots 8-9 Proposed Elevations and First Floor Plan 201711/009A - Car Barn Proposals 201711/010.
 - The reason given for the condition is: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Planning permission for residential and retail development at the appeal site was granted in 2018¹ and construction was underway at the time of my site visit. The appeal proposal seeks revised designs to the approved scheme by the removal on the condition and replacement with conditions specifying the plans that reflect the amended designs.

¹ Council ref: 17/1132

3. The main issues are:

- whether the proposed development would preserve or enhance the character or appearance of Updown Hill Conservation Area (UHCA); and
- whether the proposed development constitutes Minor Material Amendment to the approved scheme.

Reasons

Character and appearance

4. The appeal site lies within UHCA the significance of which lies in the evidence of historic architecture, in particular detached historic dwellings on large plots along Updown Hill. The dwellings share similar characteristics such as form, materials and colours and have moderate spacing and large rear gardens that gives the area a spacious, attractive and unified feel.
5. The proposed two-storey extension at the rear of the 'L' shaped front block would increase the length the rear portion of the block and would be a noticeable change to the front block particularly when viewed from within the site. While the roof form and materials of the approved design would be retained, given the length and height of the extension, it would encroach into the open space in the central area of the site and reduce the sense of openness across the site.
6. While the proposed extension would not be prominent from the access to the site, it would be visible from the street over the single storey garage of No 15 Updown Hill (No 15) detrimentally affecting the open character from the street as well as from within the site. I acknowledge that the garage of No 15 is sited between the proposed extension and the rear gardens of the existing dwellings, however, since it is single storey it preserves the spacious character of the area. Given the height and length of the proposed two storey extension, it would encroach on the open character of the central area of the site. Therefore, the proposed two storey extension would have an adverse effect on the spacious character of the area.
7. The proposed garages would replace two carports. While the scale and nature of these buildings would not be substantially altered particularly when viewed against the whole approved development, the proposal would nevertheless enclose the sides of the buildings. While the garages would not be prominent when viewed from the street and would be located in a more built up part of the site, since they would be closed buildings rather than the open approved car ports, the sense of openness from within the site and across the rear gardens of the neighbouring buildings would be detrimentally affected.
8. Lastly, the creation of additional accommodation in the roof void of plot 2 would result in a larger window in the front elevation of the building and three roof lights. The proposed window would be smaller than others on the elevation and its position and design would be in keeping with the character of the approved building and would be in harmony with the character of UHCA.
9. However, the lack of harm with regard to the additional accommodation in plot 2 does not override the adverse effects of the two-storey extension and the proposed garages on the character and appearance of the area.

10. Consequently, the proposed development would not preserve or enhance the character or appearance of the UHCA. Therefore, it would conflict with Policies CP2 and DM9 of the Core Strategy & Development Management Policies 2011- 2028 Adopted February 2012 (CS) which together require among other things that developments respect and enhance the quality of the historic environments. It would also conflict with CS Policy DM17 which among other things seeks to promote the conservation and enhancement of the Asset and its setting. The proposal would also conflict with the National Planning Policy Framework (Framework) in this regard.
11. The proposal would not preserve or enhance the character or appearance of the UHCA as is required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
12. The Framework indicates that great weight should be given to the conservation of heritage assets, including conservation areas. In this case, whilst the harm to the significance of the UHCA would be less than substantial in the terms described in paragraph 196 of the Framework, I find that the public benefits of the proposal including the likely short term employment during the construction of the proposals, and the additional support to the vitality of the local community should there be any future occupiers of the additional bedroom, to be limited and not sufficient to outweigh the harm that I have identified.

Minor Material Amendment

13. The Planning Practice Guidance states that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved².
14. The proposals seek three primary changes to the approved scheme. Firstly, the proposal would include a two-storey rear extension to the rear portion of the 'L' shaped front block to create an additional integral garage and additional residential accommodation at first floor. The development would retain the form, roof pitch and materials of the approved scheme and the depth and height of the extension would not substantially alter the appearance of the approved development as a whole. Therefore, when viewed against the development in its entirety, this element of the proposal would not substantially alter the scale or nature of the approved scheme.
15. The second proposed change to the approved scheme is the replacement of two carports with garages. The proposed garages would be slightly taller and larger in footprint than the approved car ports. The walls would be solid rather than open and the roof would be pyramidal as opposed to being gabled. Nevertheless, their function would be similar, and the proposed form and materials would remain traditional in style such that the nature of these blocks would not be substantially altered. While the openness of the blocks would be reduced by the proposed solid walls, since the footprint and height of the blocks would only be slightly increased, the proposed garages would not substantially alter the scale and nature of this aspect of the approved development.

² Paragraph: 017 Reference ID: 17a-017-20140306

16. Finally, the proposed creation of additional accommodation in the roof void of plot 2 would not result in any substantial changes in the external envelope or the residential and retail nature of the development such that this aspect of the proposal would not substantially alter the scale or nature of the approved scheme.
17. Consequently, the proposed development would constitute a Minor Material Amendment to the approved scheme. However, this does not override my conclusion with regard to the character and appearance of the UHCA and has not altered my overall decision.

Other Matters

18. I note the Council's comments regarding the Thames Heath Basin Special Protection Area (THBSPA). The proposed additional accommodation in plot 2 would increase residential development. Therefore, from the evidence before me it appears likely that the proposed development would give rise to at least some harm to the THBSPA either alone or in-combination with other plans or projects were that harm not to be mitigated.
19. Had I found the appeal development to be acceptable in terms of its effect on the character and appearance of the UHCA, I would have found it necessary to investigate this matter in greater detail as part of my appropriate assessment. However, in the circumstances of this case this has not proved to be a determinative matter given the harm to the UHCA that would arise from the development.
20. I note local concerns including regarding parking, congestion and access for emergency vehicles. However, the Highway Authority has not objected to the proposal on this basis and from the evidence before me I have no reason to disagree. I also note the concerns regarding light and privacy, however, these have not altered my overall decision.
21. I acknowledge that the construction of the garages has commenced as was evidenced during my site visit. However, this is a matter for the Council in the first instance.

Conclusion

22. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR