



Appeal Decision

Site visit made on 19 November 2019

by Jonathon Parsons MSc BSc DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2019

Appeal Ref: APP/A3655/D/19/3236822

Hilltop, The Ridge, Woking GU22 7EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 (TCPA 1990) for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Khan against the decision of Woking Borough Council.
 - The application Ref PLAN/2019/0154, dated 15 February 2019, was refused by notice dated 24 July 2019.
 - The application sought planning permission for the erection of a two-storey side extension, a single storey rear extension following the demolition of a conservatory and an attached garage, the conversion of a loft space, alterations to the roof, alteration to fenestration and a porch canopy without complying with a condition attached to planning permission Ref PLAN/2015/1150, dated 29 January 2016.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the approved plans.
 - The reason given for the condition is: For the avoidance of doubt and to ensure that the development is completed in accordance with the approved plans.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey side extension, a single storey rear extension following the demolition of a conservatory and an attached garage, the conversion of a loft space, alterations to the roof, alteration to fenestration and a porch canopy at Hilltop, The Ridge, Woking GU22 7EG in accordance with the application Ref PLAN/2019/0154 dated 15 February 2019, without compliance with conditions number 1, 2, 3 and 4 previously imposed on planning permission Ref PLAN/2015/1150 dated 29 January 2016 and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: S1358 – 001 A; S1358 – P100 C; S1358 – P101 C; S1358 – P102 C; S1358 – P103 C; S1358 – P111 B; S1358 – P112 C.
 - 2) The development shall be carried out in accordance with the submitted material details contained with the email dated 30 April 2019 from the appellant's agent to the local planning authority.
 - 3) The recommendations contained within paragraph 10 of the RMT Tree Consultancy Arboricultural Method Statement Ref RMT070 (submitted with PLAN/2015/1150) shall be complied with in full during the construction of the development.

- 4) All first floor and above flank windows shall be obscure glazed, and the obscured glazing shall be retained thereafter.

Procedural Matters

2. Under PLAN/2015/1150, planning permission was granted for extensions and alterations at Hilltop. Condition 2 specified that the development should be carried out in accordance with the approved plans. Under PLAN/2019/0154, the appeal proposal seeks the removal of this condition and in effect, its replacement with a condition specifying that the condition should be carried out in accordance with substitute plans. The substitute plans show revised external materials and finishes, fenestration and balcony features.
3. The dwelling was being constructed in accordance with the substitute plans prior to the submission of the planning application of PLAN/2019/0154. At the time of my site visit, the built dwelling showed fewer openings and reduced depth to the rear first floor windows and the absence of Juliet balconies, although the development, for which permission is being sought, had not been completed. For all these reasons, the development has been considered as a not yet complete scheme under S73A of the TCPA 1990. If the development is not completed in accordance with the substitute plans, this is a separate matter for the main parties to consider outside of this appeal.

Application for costs

4. An application for costs was made by Mr Khan against Woking Borough Council. This application is the subject of a separate Decision.

Main Issues

5. The main issues are the effects of the removal of the disputed planning condition on (a) the character and appearance of the area, and (b) the living conditions of the occupiers of neighbouring properties, having regard to privacy.

Reasons

Character and appearance

6. The dwelling was a detached bungalow which was set in a spacious plot set back from the highway. The original planning permission for the extensions and alterations to the dwelling detailed facing brick and tile hanging (first floor) to match existing, windows to be white upvc, doors to be white upvc and stained timber, and concrete roof tiles to match existing.
7. Policy CS21 of the Woking Core Strategy (CS) 2012 states that development should respect and make a positive contribution to the streetscene and the character of the area paying due regard to, amongst other matters, the materials and other characteristics of adjoining buildings and land. The reasoned justification text states that different parts of the Borough present different contexts for development, that a character study has been carried out to provide evidence of the distinctiveness of the various parts of the Borough and that all forms of development should have regard to the Council's Character Study.
8. The site falls within Character Area 17 (Hockering) of the Character Study. The study indicates that the Character Area is a large Arcadian residential area to

the south of the railway, with small areas of post war and modern housing infill and that they are generally constructed of buff and red brick, with sections of the facade rendered and some limited examples clad in wood.

9. Along The Ridge, there are large detached dwellings within large plots, with high levels of tree cover and vegetation along the fronts of properties which provide partial screening of them from the road. Dwellings typically comprise those built between the turn of 19th Century and 1930's, infilling during interwar years, the later part of the 20th Century and more recently. Dwellings are generally sited not far apart from one another on the road frontage. Some dwellings have had extensions and alterations. External finishes within the immediate area range from brick to light coloured rendering/painting and clay, slate and concrete tiles. Windows designs and finishes range from timber frames on the older dwellings and more modern materials, such as upvc, on more recent or altered dwellings.
10. At White Gables on The Ridge, recent alterations have resulted in a light coloured render, a grey coloured roof tile, and black coloured window frames. The window frame colours match those used on older traditional dwellings at Maybury Copse and Tiverton. On this dwelling, the render colour and tile material have a less manufactured feel than the materials originally proposed. Further along The Ridge, the extended dwelling at Langton has a first floor dormer window within a slate-effect roof tile. The windows are coloured grey rather than the approved white. Nevertheless, both these dwellings have a contemporary feel to them through the extensive use of modern materials and add to the variety of dwelling designs, ages, forms and external finishes along The Ridge. For all these reasons, this part of the Hockering Character Area has an attractive but varied suburban character and appearance.
11. The proposal would result in the rendering of the entire building with white render rather than facing brick/first floor tile hanging, grey slate effect concrete tiles rather than brown/red concrete tiles, additional obscure-glazing to the side elevations, the enlargement of rear patio doors, larger deeper rear upper floor windows and Juliet balconies to these. Window and door frames would be coloured grey. The precise material details are set out in an email to the Council dated 30 April 2019.
12. Both the extensive use of the grey tile and white render would result in a dwelling that is noticeable but there is a variation in the external finishes of dwellings within the area. The facing and roofing materials would also be similar to those used at nearby White Gables. Over time, the brightness of the new materials would reduce due to age and weathering. The grey colour of the window frames is not prevalent within the area but again, given the differing colours and styles, this would not be markedly out of place.
13. The character study identifies the Hockering character area as a large Arcadian residential area and describes Arcadia as an almost Utopian settlement with a simple rustic appearance. Under the study, the term is used to describe dwellings constructed between the turn of the 19th Century and the 1930's. Dwellings are substantial and detached within large plots, with high levels of tree cover, particularly to rear gardens. Vegetation along the fronts of properties would often screen the houses from the road giving the appearance of rural areas rather than urban areas.

14. Whilst The Ridge possesses some of these Arcadian qualities, many of the dwellings have not been built from the turn of 19th Century to the 1930s and the variety of dwelling forms, designs and materials would not indicate a simple rustic quality for this particular part of the Hockering Character Area. Indeed, The Ridge has a suburban rather than rural character and appearance. Reference has been made to the area having an 'Arts and Craft' style but again, with infill development and extensions and alterations to dwellings, the significant use of traditional materials techniques and styles from the local area (vernacular) is not evident, and thus, such a quality is not overriding.
15. For all these reasons, the change in the permitted external appearance would not harm the character and appearance of the area in this instance and accordingly, the proposal would comply with policy CS21 of the CS.

Living conditions

16. A first floor window within the north-east elevation would serve a bedroom ensuite and would be openable to below 1.7m. The appellant has agreed a condition that it can be non-opening below this height. However, this window would be obscure glazed and stepped in from the common boundary. On this basis, a non-opening requirement would not be necessary. There would be deep first floor windows with Juliet balconies to the rear of the dwelling. Although the plot reduces in width to the rear, these windows would mainly face the rear garden of the appeal property. Any views from these windows into neighbouring adjacent gardens would be oblique and limited, and in respect of the property at the bottom of the plot, distant. For all these reasons, the scheme would not result in any adverse overlooking of neighbouring properties and would comply with policy CS21 of the CS.

Conditions

17. Conditions have been considered in light of the advice contained in Planning Practice Guidance and party's comments. Some have been amended and amalgamated in the interests of clarity and precision taking into account the guidance.
18. In the interests of certainty, a condition is necessary to ensure that the development be carried out in accordance with the substitute plans. Despite the development being nearly completed, a condition is necessary to ensure construction in accordance with materials indicated in the interests of the character and appearance of the area. Similarly, a condition is necessary to ensure protective measures under a submitted arboricultural report are adhered to. In the interests of neighbours' privacy, a condition is necessary to ensure obscure glazing of all flank first floor and above windows. As development has commenced, it is not necessary to impose a time commencement condition.

Conclusion

19. For the above reasons, having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR