



Appeal Decisions

Site visit made on 16 June 2020

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2020

Appeal A Ref: APP/M3645/C/20/3246556

Land at 61 Lagham Park, South Godstone, Surrey RH9 8EP

- 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 C White against an enforcement notice issued by Tandridge District Council.
 - The enforcement notice, numbered 5(2020), was issued on 27 January 2020.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a dormer roof extension to the rear of the property.
 - The requirements of the notice are:
 - (i) Remove the dormer extension.
 - (ii) Reinstate the roof to the ridge height and pitch which existed prior to the works to commencing using roof tiles to match the front roof slope.
 - (iii) Remove the material arising from compliance with (i) above to an authorised place of disposal.
 - The period for compliance with the requirements is four months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/M3645/D/19/3243117

61 Lagham Park, South Godstone, Surrey RH9 8EP

- 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 C White against the decision of Tandridge District Council.
 - The application Ref TA/2019/1565, dated 20 August 2019, was refused by notice dated 12 November 2019.
 - The development proposed is a loft conversion incorporating raised ridge, rear dormer and front velux windows.
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Appeal A Decision

1. It is directed that the enforcement notice is corrected by
 - adding 'raising the roof ridge and' before 'the erection of a dormer roof extension...' to the alleged breach of planning control, and
 - deleting 'to an authorised place of disposal' from step (iii) and substituting it with 'from the site'.
2. Subject to the corrections, appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the

development already carried out, namely the raising of the roof ridge and the erection of a dormer roof extension to the rear of the property at Land at 61 Lagham Park, South Godstone, Surrey, RH9 8EP as shown on the plan attached to the notice.

Appeal B Decision

3. The appeal is allowed and planning permission is granted for a loft conversion incorporating raised ridge, rear dormer and front velux windows at 61 Lagham Park, South Godstone, Surrey RH9 8EP in accordance with the terms of the application, Ref TA/2019/1565, dated 20 August 2019, and the plans submitted with it: OS Plan B&W, side elevation, proposed elevations and floor plans.

Application for costs

4. An application for costs was made by Mr C White against Tandridge District Council. This application is the subject of a separate Decision.

Matters concerning the notice

5. The works have resulted in the ridge height of the bungalow being raised, and a rear dormer has been installed, along with front rooflights. The works that have been carried out are broadly reflected by the drawings submitted with Appeal B.
6. The allegation in the notice refers only to a 'dormer roof extension to the rear of the property', and does not refer to the raised roof ridge. Step (ii) of the requirements seeks the reinstatement of the roof to the ridge height and pitch which existed prior to the works commencing. It is clear therefore that the breach of planning control alleged in the notice required roof alterations to accommodate the dormer, and these should also be specified, particularly since they must logically form part of the terms of the deemed planning application.
7. Step (iii) requires the removal of material arising from compliance with the notice to be removed to an authorised place of disposal. This is excessive as it goes beyond what is required in order to remedy the breach.
8. I have a duty to ensure that the notice is in order. Taking the notice as a whole, it is clear that it is intended to attack the raised roof ridge as well as the rear dormer, and that the reference to the raised ridge should properly have been included in the allegation.
9. Wide-ranging powers are available to me under Section 176(1)(a) to correct any defect, error or misdescription in the notice, provided I am satisfied that the correction will not cause injustice to the appellant or the Council. Both parties have given consideration to the raising of the roof ridge in their evidence, and have interpreted the allegation in the enforcement notice as attacking the raised ridge as well as the rear dormer. On this basis, I am satisfied that correcting the allegation to include the raised ridge would not cause injustice. In addition, it would not cause injustice to correct step (iii) to remove reference to an authorised place of disposal and to simply require the removal of the materials from the site.
10. Following the correction to the allegation, I shall consider the ground (a) appeal and Appeal B together.

Appeal A ground (a), the deemed application and Appeal B

11. Having regard to the reasons for issuing the enforcement notice and the decision notice, the main issue is the effect of the development on the character and appearance of the dwelling and the surrounding area.

Reasons

12. The appeal site is within a short cul-de-sac forming a spur from a circular residential area formed by Lagham Park and Woodlands Drive. The site is a link detached bungalow located towards the end of the cul-de-sac. Although there is a variety of dwelling types in the wider area, this part of the cul-de-sac is dominated by bungalows. The appeal site is one of four similar bungalows in a row, set above the road level due to the topography of the area.
13. Due to its proportions, the dormer extension dominates the rear roof slope, giving the bungalow a two storey appearance from the rear and resulting in a top heavy appearance. This is likely to be visible to occupiers of neighbouring dwellings, but views are generally limited by garden planting so that it does not significantly detract from the character of the area. There are glimpsed views from Lagham Park of the substantial flanks of the large rear dormer extension between buildings. However, these are fleeting and as a result the harm that is caused to the character and appearance of the surrounding area is limited.
14. I do not therefore agree that the development causes significant harm to the character and appearance of the dwelling and the surrounding area. The proposal does not therefore conflict with Policy CSP18 of the Tandridge District Core Strategy 2008 or Policy DP7 of the Tandridge District Local Plan Part 2 Detailed Policies 2014, insofar as they require that development is of a high standard of design that reflects and respects the character, setting and local context.

Other Matters

15. A series of concerns have been raised by local residents. The dormer windows allow overlooking of neighbouring gardens, but due to the distances involved it is unlikely that a significant loss of privacy results. Any loss of light to neighbouring occupiers caused by the dormer extension is relatively limited and I have seen no evidence that it is significantly harmful to living conditions. Any additional noise generated by the use of the upper floor bedrooms and bathroom is unlikely to be intrusive to neighbouring occupiers. An increase in the number of bedrooms may give rise to increased occupancy and therefore increased car ownership. I note that most properties have off road parking, and additional parking requirements could be accommodated on the road. Covenants are a private matter and do not have any bearing on my consideration of the appeals.

Condition

16. The Council has suggested a condition setting out the approved plans for Appeal B. Having regard to the National Planning Practice Guidance this condition is not necessary as the development has already been built, and the approved plans are listed in my decision.

Appeal A Conclusion

17. For the reasons given above, I conclude that Appeal A succeeds on ground (a). I shall grant planning permission for the development as described in the notice as corrected. The appeal on ground (g) does not therefore fall to be considered.

Appeal B Conclusion

18. For the reasons given above and taking account of all matters raised I conclude that the appeal should be allowed.

N Thomas

INSPECTOR