



Appeal Decisions

Site visit made on 27 October 2020

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2020

Appeal A Ref: APP/A3655/D/3241142

Mapledown, Wych Hill Lane, Woking GU22 0AH

- 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 Mrs Neetasha Rozario against the decision of Woking Borough Council.
- The application Ref PLAN/2019/0508, dated 22 May 2019, was refused by notice dated 25 September 2019.
- The application sought planning permission for amendments to PLAN/2017/0409 (Proposed erection of a two storey rear extension, first floor western flank elevation window, single storey side extension, front infill porch extension and replacement of existing flat roof over garage with 2x hipped gables roof, front extension to the garage and garage conversion to habitable accommodation (Amended description)) relating to a single-storey infill extension between the approved side extension and the approved rear extension without complying with a condition attached to planning permission Ref PLAN/2018/0365, dated 20 June 2018.
- The conditions in dispute are Nos 02 and 03 which state that:
 - 02. The development hereby permitted shall be carried out in accordance with the approved drawings listed below:*
 - o 1:1250 location plan and 1:200 proposed block plan Drwg no.P50A (received by the LPA on 24.04.2018)*
 - o 1:100 proposed ground and first floor plans Drwg no.P30 (received by the LPA on 03.04.2018)*
 - o 1:100 proposed roof plan Drwg no.P60 (received by the LPA on 03.04.2018)*
 - o 1:100 proposed elevations Drwg no.P40 (received by the LPA on 03.04.2018)*
 - 03. The external finishes of the development hereby permitted shall match those used in the existing building in material, colour, style, bonding and texture.*
- The reasons given for the conditions are:
 - 02. For the avoidance of doubt and to ensure that the development is completed in accordance with the approved plans.*
 - 03. In the interests of the character and appearance of the building and the visual amenities of the area and in accordance with policy CS21 of the Woking Core Strategy (2012).*

Appeal B Ref: APP/A3655/C/19/3242669

Mapledown, Wych Hill Lane, Woking GU22 0AH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- Appeal A is made by Mrs Neetasha Rozario against an enforcement notice issued by Woking Borough Council.
- The enforcement notice was issued on 29 October 2019.

- The breach of planning control alleged in the notice is failure to comply with condition No 03 of a planning permission Ref PLAN/2018/0365 granted on 20 June 2018.
 - The development to which the permission relates is the erection of a two storey rear extension, first floor western flank elevation window, single storey side extension, front infill porch extension and replacement of existing flat roof over garage with 2x hipped gables roof, front extension to the garage and garage conversion to habitable accommodation relating to a single storey infill extension between the approved side extension and the approved rear extension.
 - The condition in question is No 03 which states that:
The external finishes of the development hereby permitted shall match those used in the existing building in material, colour, style, bonding and texture. The notice alleges that the condition has not been complied with in that: The external finish of the development has been clad in white render, has grey framed windows and doors and grey concrete roof tiles. The retrospective section 73 application bearing reference number PLAN/2019/0508 to vary condition 2 (approved drawings) and removal of condition 3 (approved materials) to PLAN/2018/0365 was refused on 25 September 2019.
 - The requirements of the notice are:
 - (i) *Restore the two storey rear extension, single storey side extension, front infill porch extension, front extension to the garage and garage conversion (including external windows and doors to all those parts) of the Land to those used in the existing building in material, colour, style, bonding and texture, namely red brick, green hanging tiles, white-framed windows and doors and reddish brown clay roof tiles as shown in the attached photograph, and*
 - (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 grounds set out in section 174(2)(a) 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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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the erection of a two storey rear extension, first floor western flank elevation window, single storey side extension, front infill porch extension and replacement of existing flat roof over garage with 2x hipped gables roof, front extension to the garage and garage conversion to habitable accommodation relating to a single storey infill extension between the approved side extension and the approved rear extension at Mapledown, Wych Hill Lane, Woking GU22 0AH in accordance with the application Ref PLAN/2019/0508, dated 22 May 2019, without compliance with condition numbers 02 and 03 previously imposed on planning permission Ref PLAN/2018/0365 dated 20 June 2018 and subject to the following conditions:
 - 1) The two first floor side elevation windows in the east elevation hereby permitted shall at all times be glazed entirely with obscure glass and shall be non-opening unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Once installed the window shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

- 2) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no window, dormer window, roof light, door or other additional openings other than those expressly authorised by this permission shall be formed at first floor level or above in the east and west elevations (including the roof) without planning permission being first obtained from the Local Planning Authority.

Appeal B – the enforcement appeal

2. The appeal is dismissed and the enforcement notice is quashed.

Reasons

Appeal A – the S.78 appeal

Main Issue

3. The main issue is the effect of the development as carried out on the character and appearance of the dwelling and the surrounding residential area.

Reasons

4. The appeal property was, before the recent work complained of in the notice, very much a product of its era, a traditionally designed two storey house built in the late 1960s in red brick with extensive areas of tile hanging and a brown tiled roof. A flat-roofed porch was linked to a flat-roofed double garage projecting to the front of the house. The neighbouring house at Wavendon is of a similar design. The other houses in the road are mainly of an older generation, some from what appear to be the late Victorian period, but the majority are later, typical of the inter-war period, with various designs, where red brick, red tile hanging and Tudor Revival half-timbered gables and elevations are much in evidence.
5. There is one other 1960s house in this part of the road, "Sparrows" towards the western end, but this is not prominent in public views. Towards the eastern end, the steep gable ends of the 1970s houses at Lucerne Close are clad in white-painted timber, and this introduces a further design variation in the vicinity, which is clearly visible from Wych Hill Lane. There is a greater diversity in terms of age and design on the northern side of the road, where the appeal site is located, where dwellings exist from the Victorian era, 1930s, 1960s and 1970s, providing an attractive mix.
6. The appeal dwelling is finished in white render, with grey roof tiles and grey metal window frames. It has a very contemporary appearance, although the design reflects that of the original dwelling.
7. Only one development plan policy is referred to in the notice, Policy CS21 of the Woking Core Strategy (2012), which deals with design. It says that proposals for new development should meet a number of criteria, the most relevant of which says that proposals should create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated paying due regard to the scale, height, proportions, building

lines, layout, materials and other characteristics of adjoining buildings and land.

8. The Council has also alleged a conflict with the Woking Design Supplementary Planning Document (SPD) (2015). No specific part of the guide has been referred to me, but I consider that the most relevant guidance is that which identifies this part of Wych Hill Road as comprising inter-war, post-war and late Victorian character areas. It confirms that the character areas on the periphery of Woking town centre are some of the most variable in the Borough, with Victorian buildings often located adjacent to modern, often non-residential, buildings. It also says that this variety can enhance the character of the areas but can also undermine local character if developments of different types do not complement each other.
9. The area has no special designation in recognition of its character or appearance, although I accept that it is an attractive part of the town. Whilst inter-war houses predominate, there is some variation in the stretch of road from the junction with Claremont Avenue to the east and the roundabout to the west. Most pertinent is that the appeal property (prior to the work complained of) and its neighbour at Wavendon are notable exceptions to the general character. Their 1960s design is clearly distinguishable from the inter-war houses which predominate. The architecture is distinctive, but not of such merit that it should be retained.
10. The altered dwelling is of a high standard of design and finish, and it complies with the policy objective of being attractive with its own distinct identity. In the wider street scene, it replaces finishing materials of the 1960s design which was at odds with the prevailing character, with different ones. Roadside trees and other planting on either side of Mapledown and Wavendon help to break up the relationship between the 1960s houses and their neighbours, so that incongruity is avoided. In my judgement, the house as altered contributes to the local diversity of character and it is no more harmful to local distinctiveness than was its previous appearance. In such a context, I conclude that the development is acceptable and that it causes no material harm to the character and appearance of the surrounding residential area, or conflict with Policy CS21 or with the Council's SPD.

Conditions

11. The Council has suggested conditions relating to windows, which I consider are necessary to protect the living conditions of neighbours.

Overall conclusion on appeal A

12. For the reasons given above, I conclude that the appeal should be allowed and that planning permission should be granted.

Appeal B – the enforcement appeal

13. As planning permission has been granted under Appeal A, I shall dismiss the appeal and quash the notice.

JP Roberts

INSPECTOR