



Appeal Decisions

Site visit made on 5 July 2021

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2021

Appeal A Ref: APP/D3640/C/21/3271490

46 Mitcham Road, Camberley, Surrey GU15 4AW

- 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 Richard Mansell against an enforcement notice issued by Surrey Heath Borough Council.
- The enforcement notice was issued on 16 February 2021.
- The breach of planning control as alleged in the notice is that on 24 March 2020 planning permission was granted for 20/0083/FFU. Condition 2 requires that the works had to be undertaken in accordance with the approved plans. It appears to the Council that the condition has not been complied with, because the works are materially different to the approved plans, noting in particular that the pitched roof has been altered to a flat roof instead.
- The requirements of the notice are: 1. Take all steps necessary, including making any alterations and structures currently on the land or undertaking any demolition of any such buildings and structures, to ensure that the development complies with the drawings approved under condition 2 of planning permission reference 20/0083/FFU and to match those external materials of the existing building. 2. Remove from the land all resultant materials or other debris arising from compliance with step 1 above.
- The period for compliance with the requirements is eight months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Appeal B Ref: APP/D3640/W/21/3268260

46 Mitcham Road, Camberley, Surrey GU15 4AW

- 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 Richard Mansell against the decision of Surrey Heath Borough Council.
- The application Ref 20/0560/FFU, dated 12 June 2020, was refused by notice dated 7 August 2020.
- The development proposed is described as "*first floor rear storey rear extension amendment required for pitched roof to flat roof*".

Summary of Decision: The appeal is dismissed.

Procedural Matter

1. The revised National Planning Policy Framework (the Framework) came into force during the course of these appeals. The main parties have been given the opportunity to comment on the implications of the revised Framework in relation to the appeals. I have taken the revised Framework into account in determining the appeals.

Appeal A, Ground (a) appeal and Appeal B

Main Issue

2. The main issue in these appeals is the effect of the extension on the character and appearance of the area.

Reasons

Character and appearance

3. The appeal site contains a semi-detached dwelling. The dwelling occupies a corner plot adjacent to a crossroads. The dwelling is located on a planned residential estate which forms part of the 'Post War Council Estates' character area in the Council's Western Urban Area Character Supplementary Planning Document (SPD). The immediate and wider surroundings are largely comprised of residential properties of similar age and architectural style, set in comparably sized plots arranged in a regular layout. Therefore, the environs of the dwelling possess a uniformly pleasant suburban character and appearance, in common with the qualities of this character area identified in the SPD.
4. Planning permission was granted to erect a first floor rear extension to the dwelling in March 2020¹. Condition 2 required the development to accord with the approved drawings, which show the extension having a dual pitched roof similar to that of the main dwelling.
5. As built however, the extension incorporates a flat roof form. This fails to reflect the dual pitched roof which is a key characteristic of the main dwelling. It is also entirely at odds with the dual pitched roofs of most similar dwellings in the surrounding area. In addition, the extension is of considerable width, spanning almost the entire rear elevation of the dwelling, as well as being of appreciable depth. These factors, together with the low profile and unrelieved expanse of flat roof, have given the extension an appreciable scale and box-like form, also lending it a rather squat appearance. As a result, the extension appears as an alien addition which fails to integrate successfully with the dwelling and surrounding development. Although there are limited views of the extension from Mitcham Road, the sense of incongruity created having regard to the flat roof form is given emphasis in the greater views available nearby from Kingston Road.
6. I am aware that a first floor extension to the neighbouring property, 48 Mitcham Road (No 48), incorporates a flat roof recently granted planning permission by the Council². Nevertheless, compared to the appeal extension the neighbouring extension is appreciably narrower, spanning only about a third of the rear elevation, with a correspondingly smaller area of flat roof. Also, the neighbouring extension sits alongside a substantial previous two storey enlargement incorporating a pitched roof. The visual impact of the neighbouring extension would be further reduced in the event the appeal extension had also incorporated the pitched roof shown on the approved drawings. These factors distinguish the neighbouring extension significantly from the circumstances in these appeals. The pitched roof on the approved drawings would not look awkward in relation to No 48 as it would also reflect the prevailing roof form of the neighbouring property.

¹ Council Ref: 20/0083/FFU.

² Council Ref: 20/0082/FFU.

7. Reference was made to other buildings with flat roofs in the area, some of which I saw during my site visit. However, it was my impression that dual pitched roofs similar to that of the dwelling and of surrounding development were much more common. Moreover, in the absence of further details, it is difficult to undertake any meaningful comparisons between flat roofed buildings and the appeal extension. For example, it was not explained whether the circumstances in which any flat roofed building originated were similar to the appeal extension. In any event, the flat roofs on institutional buildings, single storey extensions and outbuildings in the wider locality are more likely to reflect individual responses to the built context at the time those structures were erected. Where planning permission was required, applications for such structures would have been considered in the light of the relevant planning policies at that time. Therefore, I give this matter limited weight.
8. I have to assess the visual impact of the extension on the basis of its existing built context and having regard to the current Development Plan and national planning policy. As the possible future effects of recent changes to 'permitted development' rules concerning additional storeys to dwellings is a matter of speculation, I also give this matter limited weight. Further, I afford little weight to the appellant's suggestion that the design quality of new development on the estate should be of secondary importance. Such an argument could be repeated, leading to further harm to the character and appearance of the surrounding area over time. Moreover, such an approach is not consistent with the revised Framework, which encourages development to add to the overall character of an area in order to achieve well-designed places. Whilst it is understood that the appellant would wish to minimise their build costs, it is not unreasonable for local residents to expect the quality of their built environment to be safeguarded in the same way as in perhaps more affluent areas.
9. The appellant's suggestion of constructing a pitched and tiled 'skirt' around the extension's roof would not fully reflect the qualities and characteristics of a pitched roof or those of a flat roof and so would appear as a contrived solution, being neither one roof form nor the other. I did not see any obvious examples of similar roofs in the locality. Such an alteration would not address the visual harm identified above and so would not overcome the planning difficulties at less cost and disruption compared to erecting a pitched roof in accordance with the approved drawings. Consequently, this does not represent an obvious alternative to the notice requirements. No other alternative solutions were advanced and to my mind, there are none.
10. Therefore, the extension causes unacceptable harm to the character and appearance of the area. This fails to accord with criteria in Policy DM9 of the Council's Core Strategy and Development Management Policies, as the extension does not achieve high quality design and does not respect and enhance local character. It is also inconsistent with the SPD guiding principles at PC1 (f), which seek to create attractive roofscapes and PC4, due to erosion of the integrity of the post-war architectural design and the failure to reflect the estate's original ridgeline heights. As guiding principle EM2 cited by the appellant refers to a different character area, it is of limited relevance to these appeals.
11. Additionally, the extension is inconsistent with the Council's Residential Design Guide; it does not positively contribute to the character and quality of the area,

it is not consistent with the dwelling's form, scale and architectural style and is not sympathetic to the dwelling's design, as required by principles 7.8, 10.1 and 10.4 respectively. Furthermore, the extension is inconsistent with the revised Framework chapter 12, as it does not add to the overall quality of the area and is not visually attractive as a result of good architecture or sympathetic to local character, it is not well-designed and fails to reflect local design policy.

Other matters

12. I am given to understand that the appellant's use of a flat roof on the extension was primarily driven by cost considerations. I acknowledge that in the short-term, compared to a pitched and tiled roof there might be a lower cost associated with using a flat roof. However, flat roof materials normally have a relatively short lifespan. Such roofs are therefore likely to require more regular maintenance compared to a pitched, tiled roof. Over the lifetime of the extension, I doubt whether using a flat roof is a more cost-effective solution compared to use of a pitched, tiled roof. It would not be unreasonable to expect that the cost associated with constructing the extension in accordance with the approved drawings should have been factored into the initial likely building costs. The extra expense incurred in removing the flat roof is unlikely to be great. The motives behind representations made by interested parties and the number of such representations received are not matters which form a sound basis for decision making. Therefore, I afford all these matters little weight.

Conclusion on Appeal A, Ground (a) and Appeal B

13. The extension causes unacceptable harm to the character and appearance of the area and fails to accord with the Development Plan as well as being inconsistent with the SPD, the Residential Design Guide and the revised Framework. Therefore, these appeals do not succeed.

Appeal A, Ground (f) appeal

14. The ground of appeal is that the requirements of the notice are excessive.
15. An enforcement notice can have one of two purposes. Firstly, it can seek to remedy the breach of planning control, including by making development comply with the terms of any planning permission granted in respect of the land. Secondly, the notice can remedy any injury to amenity caused by the breach. Although the Council did not specify in the notice which of these purposes applied, the requirements involve nothing less than constructing a pitched roof in accordance with the approved drawings and condition 2 of the permission. Accordingly, the purpose of the notice must be to remedy the breach.
16. Constructing a 'skirt' around the roof would not remedy the breach, as the extension would not comply with the approved drawings or condition 2. To my mind, there is no alternative that would stop short of altering the extension roof to comply with the approved drawings and thereby the terms of the planning permission, whilst still remedying the breach. Therefore, the notice requirements are reasonable for the purpose of remedying the breach and the ground (f) appeal fails.

Conclusion

17. For the reasons given above I conclude that Appeal A should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application. Similarly, I conclude that Appeal B should be dismissed.

Formal Decision

18. Appeal A-the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
19. Appeal B-the appeal is dismissed.

Stephen Hawkins

INSPECTOR