



Appeal Decision

Site Visit made on 26 August 2021

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2021

Appeal Ref: APP/R3650/W/21/3266200

Flats 1 to 8, Oakbraes, Frith Hill Road, Godalming, Surrey GU7 2DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Paramjit Bhamra of Heath Residential Limited against the decision of Waverley Borough Council.
 - The application Ref PRA/2020/0021, dated 11 October 2020, was refused by notice dated 8 December 2020.
 - The development proposed is to add an additional 2 floors to the existing block of flats with a pitched roof to create an additional 4 x 2 bedroom flats.
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Decision

1. The appeal is allowed, and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for an additional 2 floors to the existing block of flats with a pitched roof to create an additional 4 x 2 bedroom flats at Oakbraes, Frith Hill Road, Godalming, Surrey, GU7 2DZ in accordance with the terms of the application, Ref PRA/2020/0021, dated 11 October 2020, subject to conditions set out in the attached schedule.

Preliminary Matters

2. Paragraph A to Part 20, Class A of the GPDO sets out as permitted development "*Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats*" together with related works.
3. Paragraph A.1 of Part 20, Class A sets out a list of preclusions whereby development is not permitted by Class A. The Council and appellant concur that the proposal satisfies these eligibility criteria.
4. Paragraph A.2 of Part 20, Class A of the GPDO requires prior approval to be sought for the matters listed in that paragraph. Having assessed the application, the Council is content that the development meets all of the matters other than that relating to the external appearance of the building. I have therefore focused on the matter in dispute.
5. Paragraph B (15) of Part 20, Class A of the GPDO requires the local planning authority to take into account any representations made to them as a result of consultation, and to have regard to the National Planning Policy Framework (the 'Framework'), so far as relevant to the subject matter of the prior

approval, as if the application were a planning application. The 2019 version of the Framework has been replaced by that issued in 2021. My determination of this appeal has taken account of representations and the updated Framework.

Main Issue

6. The main issue is therefore whether the external appearance of the building would be acceptable.

Reasons

7. Oakbraes is a building comprising 8 flats arranged over 4 storeys constructed in 2013 on sloping ground. The lower 2 floors are below street level with primary windows to the rear and flanks. A concrete deck has been constructed over rising land to provide a frontage hard standing area for parking, the storage of bins and to provide pedestrian access to the front of the building. Oakbraes therefore presents to Frith Hill Road as a 2 storey building.
8. It has been constructed in red brick with buff coloured stonework and bricks providing a contrast to the front at entrance level and at first floor level at the rear. There is a hipped pitched roof in red plain tiles with gables either side of the entrance to the front elevation.
9. The two additional floors would be constructed in matching brickwork with matching wood-effect uPVC windows. The windows would replicate the size and alignment of existing windows. Brickwork detailing to quoins and window surrounds would also be replicated. The new roof would be identical in design to that to be replaced. The flats would be laid out using the existing floorplate at level 4. Even with the additional storeys, the building's height would not exceed its width. The proposal would result in a sympathetic and satisfactory external appearance to the building.
10. Frith Hill Road is a residential road with a diverse range of building designs and forms, but which nonetheless has some regularity in massing and heights. There are several two storey buildings with pitched roofs having a similar appearance in the street scene to Oakbraes and some three storeys high with a flat roof to a similar height. The enlarged building would be conspicuous as having a noticeably greater height and mass than neighbouring buildings. Yet it would remain as a detached building reasonably separated from the closest buildings, Skytop, another building of flats with four storeys to the south, and South Lawn Court, a sprawling two storey building of flats on raised ground on the opposite side of the road.
11. Land levels fall sharply to the rear of the site where there is a wooded hillside that largely screens buildings in Frith Hill Road in views from lower ground. The enlarged building would be seen above the tree line from positions along Charterhouse, the road below, and from Summerhill, a cul-de-sac off it.
12. Nonetheless, the principle of an upward extension of up to 2 storeys has been established by the permitted development right in Part 20, Class A to the GPDO. The matters requiring prior approval need to be interpreted in the context of that principle. This will sometimes result in a somewhat divergent relationship between buildings. Acceptance of some degree of divergence as an inevitable consequence is implicit in the introduction of the permitted development right.

13. The enlarged building would be a prominent feature in the street scene due to its height. In this context, even if I were to agree that consideration of the effect of the proposal on the wider area is a relevant consideration in regard to the permitted development allowance, any harm to local character would not be so great to warrant refusal of prior approval in relation to external appearance.
14. Whilst Paragraph 130 to the Framework emphasises that developments should be sympathetic to the surrounding built environment and landscape setting, it also recognises the need for innovation, change and increased densities. The Government's objective to significantly boost the supply of homes, set out at Paragraph 60 of the Framework, is also relevant when considering the policies of the Framework as a whole.
15. My findings are that the external appearance of the proposed building would be acceptable for the purposes of Part 20, Class A of the GPDO. The additional massing would not be incongruous or visually harmful in this context and would be consistent with the policies of the Framework taken as a whole.

Other Matters

16. Representations have raised other issues, not all of which fall for consideration as prior approval matters under Paragraph A.2. The proposal may add to local parking pressures but there would be one space per flat on site. The Council notes that the site is in a sustainable location, benefits from unrestricted on street parking in the surrounding area and that the County Highway Authority raises no objections.
17. There would be sufficient separation to the nearest buildings for there to be no material adverse effect on living conditions for neighbouring occupiers regarding an overbearing impact, overlooking, privacy or loss of light.
18. To the north-west of the site is a listed building, the Red House, separated by a substantial belt of trees. The proposal would not be readily seen in association with the Red House, having regard to this screening and the separation distances, and so would not adversely impact on the listed building's setting.
19. There is an established area in front of the building for the storage of bins. Clearly additional bins would be required for the additional 4 flats. The Council has concurred with the appellant that the proposal would satisfy the eligibility criteria for this prior approval submission in relation to works for the construction of storage, waste or other ancillary facilities; but the plans do not indicate where the additional bins would be placed. A planning condition is therefore suggested to cover this matter.

Conditions

20. Paragraph A.2 sets out standard conditions for development permitted under Class A and Paragraph B.2(18) allows for other conditions reasonably related to the subject matter of the prior approval. For convenience, I have set out below the 5 standard conditions. In view of the uncertainty on where the additional bins would be placed, I have included a condition requiring details of storage arrangements to be submitted to and approved in writing by the Council prior to commencement of building operations.

21. I have also included 2 conditions suggested by the Council relating to the plan numbers in the interests of certainty, and the use of matching materials to ensure a satisfactory appearance to the development. I have excluded the Council's suggested condition on a construction environmental management plan as this would replicate a standard condition. It is not necessary to include a condition precluding occupation until parking spaces have been provided; the parking spaces already exist. Finally, the condition requiring provision of electric vehicle charging points whilst relating to a laudable sustainable planning policy is not necessary to make the development acceptable in planning terms.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

Rory MacLeod

INSPECTOR

Schedule of Conditions

- 1) The development must be completed within a period of 3 years starting with the date prior approval is granted.
- 2) Before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.
- 3) The developer must notify the local planning authority of the completion of the development as soon as practicable after completion.
- 4) The notification must be in writing and include the name of the developer, the address or location of the development and the date of completion.
- 5) Any new dwellinghouse created under Class A is to remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.
- 6) Details of the siting of storage of additional refuse bins shall be submitted to and approved in writing by the local planning authority prior to the commencement of building operations. The approved details shall be provided in full prior to occupation of the additional dwellings.
- 7) The development hereby permitted shall be carried out in accordance with the following approved plans: 1200/01 Rev 0; 1200/02 Rev 0; 1200/03 Rev 0; 1200/04 Rev 0; 1200/05 Rev 0; 1200/06 Rev 0 (sections); 1200/06 Rev 0 (elevations) and unnumbered Location Plan.
- 8) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the existing building.