



Appeal Decision

Site Visit made on 22 November 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2021

Appeal Ref: APP/A3655/W/21/3274181

Gifford, Guildford Lane, Woking, GU22 0AS

- 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 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 Hussain (Sharaz Homes) against the decision of Woking Borough Council.
- The application Ref: PLAN/2020/1094, dated 1 December 2020, was refused by notice dated 28 January 2021.
- The application sought planning permission for proposed construction of 2no. detached two storey dwellings (each with 5no. bedrooms) with accommodation within the roofspace with dormer windows following demolition of existing property, retention of existing access and associated hard surfacing without complying with a condition attached to planning permission Ref PLAN/2019/0403, dated 12 August 2020.
- The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the approved plans listed below:
 - Site Location Plan (L.301) received on 18.04.19
 - Block Plan (B.301) received on 18.04.19
 - Proposed Site Layout Plan (P.301 Rev A) received on 22.05.19
 - Plot 1 Plans and Elevations (P.302 Rev A) received on 22.05.19
 - Plot 2 Plans and Elevations (P.303) received on 18.04.19
 - Proposed Street Scene (P.304) received on 18.04.19
 - Tree Protection Plan PRI22104-03A received on 18.04.19
 - Topographical Survey received on 18.04.19
- The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect that varying the condition in question would have on:
 - The character and appearance of the area; and,
 - The living conditions of neighbouring occupiers, with particular regard to the occupiers of Winton House.

Reasons

Character and appearance

3. The proposed houses would be larger than in the approved scheme. The ridges to the roofs of both houses would be extended to accommodate the proposed revisions, resulting in larger crown roofs and slightly steeper roof pitches. The

south elevation to House 1 would be extended forward at first floor level, increasing the depth of that elevation facing Winton House. This elevation would largely be featureless and lacking in any relief with the omission of the recess included in the proposed scheme. The approved chimney to the north elevation of House 2 would be omitted, resulting in a long and largely featureless elevation facing Langdale House.

4. These changes to the approved development would collectively result in increased bulk to both houses. The houses would appear unduly large on this plot, both in the street scene and from the neighbouring plots, with the two houses being close to the shared boundaries with Winton House and Langdale House. The resulting development would be out of keeping with the spacious character of the surrounding area.
5. The appeal proposal would therefore be harmful to the character and appearance of the area, contrary to Policies CS21 and CS24 of the Woking Core Strategy 2012 (the CS) and guidance in the Woking Design SPD 2015. Collectively these require that development respect and make a positive contribution to the street scene and the character of the area in which they are situated.

Living conditions

6. Bedroom 4 to House 1 would be widened and a projecting dormer added to the front elevation over the porch. This would add to the mass of this house as seen from the first-floor side window to a bedroom of Winton House, which faces the appeal site.
7. The recess to Bedroom 4 was previously designed into the approved scheme to prevent undue impact to outlook from, and an increased sense of enclosure to, Winton House. The omission of this recess would only result in a modest increase in the size of the house. However, due to the proximity to the boundary and affected window it would cause unacceptable harm to the living conditions of the occupiers of Winton House with an unbroken and largely blank elevation facing the affected window that would dominate outlook from it.
8. The appeal proposal would therefore conflict with Policy CS21 of the CS and guidance in the Outlook, Amenity, Privacy & Daylight Supplementary Planning Document 2008. Collectively these require that development achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of an overbearing effect due to bulk, proximity or outlook.

Other Matters

9. The site is within 5 kilometres of the Thames Basin Heaths Special Protection Area. The appellant has paid the financial contribution identified by the Council as being necessary for the management and monitoring of alternative greenspace as mitigation for the effects of the proposed development. Had I been minded to allow the appeal it would have been necessary to determine whether this would adequately address the impact of the appeal proposal. However, as I am dismissing the appeal on other grounds it is not necessary for me to consider the matter further.

Conclusion

10. The appeal proposal seeks to vary the approved plans for redevelopment of this site. The revised plans would result in a development that would be

harmful to the character and appearance of the area, and which would result in harm to the living conditions of neighbouring occupiers. There are no benefits identified as arising from the proposed revisions that would outweigh this harm.

11. There are therefore no material considerations that indicate that this appeal should be determined otherwise than in accordance with the development plan. Accordingly, for the reasons set out above, the appeal fails.

M Chalk

INSPECTOR