



Appeal Decision

Site visit made on 27 July 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2022

Appeal Ref: APP/A3655/W/22/3295344

28 Woodham Way, Woodham, Woking GU21 5SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Irwin Mitchell LLP against the decision of Woking Borough Council.
 - The application Ref PLAN/2021/1322, dated 9 December 2021, was approved on 9 March 2022 and planning permission was granted subject to conditions.
 - The development permitted is the erection of a single storey side and rear extension following demolition of existing garage (Amended Plans).
 - The condition in dispute is No. 7 which states that: 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, rooflight, door or other additional openings other than those expressly authorised by this permission shall be formed in the extension hereby approved without planning permission being first obtained from the Local Planning Authority.
 - The reason given for the condition is: To ensure the dwelling remains in single family occupation and the use of the premises is compatible with the surrounding area.
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Decision

1. The appeal is allowed and the planning permission Ref PLAN/2021/1322 for the erection of a single storey side and rear extension following demolition of existing garage (Amended Plans) at 28 Woodham Way, Woodham, Woking GU21 5SJ granted on 9 March 2022 by Woking Borough Council, is varied by deleting condition 7.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Background and Main Issue

3. Planning permission was granted at the appeal property for a single storey extension with a number of conditions. The appellant seeks to remove condition number 7 which restricted permitted development rights for the insertion of windows, doors and other openings apart from those authorised by the permission.
4. The main issue, therefore, is whether the condition is reasonable or necessary in the interests of the character and appearance of the building and the area.

Reasons

5. The appeal property is a large, detached dwelling which is situated on a road where there are similar properties, set within generous plots of varying sizes. The properties are set back from the road, with extensive planting within garden areas, including hedgerows along boundaries. These arrangements, as well as grass verge areas along the road contribute to the leafy, spacious character of the area.
6. The Council has stated that the insertion of a separate entrance in the extension would fail to respect the pattern of development of single sizable detached two storey dwellings. Although the approved extension would have a large floor area, it would be single storey and subservient to the existing dwelling. If a door was to be inserted on the front elevation of the extension, it would not unduly alter the character of the appeal building given it has a centralised door to the original two storey part of the dwelling and the overall width of the property would remain unchanged. I was able to see a nearby dwelling on the western side of Woodham Waye that had such an arrangement of two doors on its front elevation and I do not consider that it has an overdeveloped appearance given the size of the plot and the open, verdant frontage, that contributes to the prevailing characteristics of the area.
7. The disputed condition also restricts the insertion of other openings, such as windows, dormer windows and rooflights. No concerns have been raised by the Council on these other aspects of the condition. As the extension would be single storey, I have no reason to consider that any such openings would give rise to harm to the character and appearance of the building or the area.
8. I therefore conclude that the disputed condition is not reasonable or necessary in the interests of the character and appearance of the building or the area. Although the reason for imposing the condition does not reference any development plan policies, the Council has referred to Policy CS21 of the Woking Core Strategy and Policy DM9 of the Development Management Policies Development Plan Document (DM Policies DPD). I do not consider that there would be conflict with these policies, which seek, amongst other matters, developments that respect and make a positive contribution to the street scene and the character of the area. It would also not conflict with the Woking Design Supplementary Planning Document or the National Planning Policy Framework, which seeks high quality design.

Other Matters

9. The Council has raised concerns that the removal of the condition and the potential insertion of a separate entrance would make it more difficult to resist future such schemes on neighbouring sites. I have however found that there would be no harm arising as a result of a potential additional door and there are other similar door arrangements that already exist on this road. Furthermore, although the Council has referenced this matter as a realistic and specific concern, they have recently granted permission¹ for a development on the appeal site that included a separate entrance. Although the accommodation in that approval has differences to the appeal proposal, it nevertheless contained a second entrance on the front elevation, and I do not therefore consider the removal of the condition would set a harmful precedent.

¹ Ref: PLAN/2021/0478

10. Concerns have also been raised that the removal of the disputed condition could lead to the formation of two independent residential units with separate entrances in a semi-detached arrangement. Such a scheme would require a separate planning application that would need to address a range of issues and would therefore be considered on its own merits. The Council also raised concern on the scale and extent of facilities proposed in the extension lending itself to accommodation that is independent of the main dwelling. Based on the approved plans, the extension would however be reliant on the kitchen in the main dwelling, and I do not consider that the removal of the disputed condition would in itself enable independent occupation from the main house.
11. Reference has been made by the Council to a number of appeal decisions² which were dismissed on the grounds that they were contrary to Policy DM9 of the DM Policies DPD. I do not have the full details of these appeals, but the appeal decisions have been provided. It is evident from the details within these decisions that the circumstances differed from the appeal proposal before me with one of the appeals relating to a detached annex building and the other having main issues that are not directly comparable to the appeal scheme. I therefore attach limited weight to these other appeals.
12. I have had regard to comments by an interested party where it has been suggested that a key safe or access by another door could be provided for carer access. Whilst there may well be such alternatives and I note that amended plans were provided at the time the appeal application was being considered which removed a separate entrance, I am required to determine the appeal before me on its own merits.

Condition and Conclusion

13. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

F Rafiq

INSPECTOR

² Ref: APP/A3655/D/21/3281717, APP/A3655/D/21/3280816