



Appeal Decision

Site visit made on 29 February 2024

by R Lawrence MRTPI, BSc (Hons), PGDip (TP)

an Inspector appointed by the Secretary of State

Decision date: 28 March 2024

Appeal Ref: APP/A3655/W/23/3326335

117 Princess Road, Maybury, Woking, Surrey GU22 8ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Mohammad Balal Lal against the decision of Woking Borough Council.
 - The application ref is PLAN/2022/1018.
 - The application sought planning permission for the erection of 2 x two storey dwellings (2x bed) following demolition of part of No 117 Princess Road and erection of a part two storey, part single rear extension and single storey front extension to No 117 and associated landscaping and parking, without complying with condition 2 (approved plans) attached to planning permission Ref PLAN/2019/0206 dated 15 July 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:
 - FE01 (Location Plan) received by the LPA on 01/03/2019
 - FE02 (Existing Site Survey) received by the LPA on 01/03/2019
 - FE03d (Proposed Block Plan) received by the LPA on 01/03/2019
 - FE10 (Existing Ground Floor Plan) received by the LPA on 01/03/2019
 - FE11 (Existing First Floor Plan) received by the LPA on 01/03/2019
 - FE12 (Existing Roof Plan) received by the LPA on 01/03/2019
 - FE15 (Existing Front Elevation) received by the LPA on 01/03/2019
 - FE16 (Existing Side Elevation) received by the LPA on 01/03/2019
 - FE17 (Existing Rear Elevation) received by the LPA on 01/03/2019
 - FE20c (Proposed Ground Floor Plan) received by the LPA on 01/03/2019
 - FE21d (Proposed First Floor Plan) received by the LPA on 01/03/2019
 - FE22d (Proposed Roof Plan) received by the LPA on 01/03/2019
 - FE25b (Proposed Front Elevation) received by the LPA on 01/03/2019
 - FE26b (Proposed Side Elevation) received by the LPA on 01/03/2019
 - FE27d (Proposed Rear Elevation) received by the LPA on 01/03/2019
 - FE28a (Proposed Side Elevation) received by the LPA on 01/03/2019
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The original permission for two additional dwellings Ref PLAN/2019/0206, extensions to 117 Princess Road and associated works has since been amended by Section 73 application PLAN/2020/0947. This increased the scale of the development. The dwellings subject of this permission are substantially complete. Both the 2019 and 2020 permissions were subject to a condition

- (condition 4) requiring landscaping details, which has been approved (COND/2021/0122).
3. The approved landscaping details included the retention of a privet hedge along the front and side boundaries, as well as lawns and planting beds. The landscaping works have not been undertaken in accordance with the approved plans, with the frontages comprising hardstanding with steps and retaining walls. To the rear the size of the hardstanding areas has been increased and a pair of gates have been erected.
 4. The appeal scheme seeks permission for changes to condition 2 regarding the approved plans in order to amend the landscaping details. However, there are some differences between the proposed plan KA/2106/01 Rev B from the works undertaken on site, these differences include larger areas of hardstanding to the rear and reduced areas of soft landscaping to the frontage.
 5. The main issue is the effect of varying the condition, with regard to the revised landscaping details, on the character and appearance of the area.

Reasons

6. The appeal site comprises a recently constructed terrace of three two-storey properties. There is an access to the side of the terrace providing access to garages as well as to rear gardens. The area is residential in character.
7. The extent of soft landscaping to the front of properties on Princess Road varies considerably. Close to the appeal site, there are several examples of property frontages which are entirely made up of hard surfacing. Similarly, there are several examples of retaining walls along the frontage. These examples include, but are not limited to, Nos 108, 110, 111, 119 & 121. Despite the number of properties with significant areas of hardstanding or retaining walls to the frontage, there are also several properties with frontages partially or fully given over to soft landscaping, this includes Nos 109 and 125. These frontages play a critical role in the street scene in softening the appearance of the built form. The relatively low number of these frontages only adds to their importance.
8. In the case of the appeal scheme, a very limited amount of soft landscaping is proposed around the periphery of the retaining walls. However, this would be of a small scale which in contrast with the significant width of the site, would achieve very little in terms of softening the appearance of the site's frontage. The use of multiple retaining walls in combination with the extent of the hardstanding, would appear as harsh, urbanising features within the street scene.
9. The appellant has drawn my attention to the potential to increase the amount of soft landscaping and has given the example of matters such as raised flower beds. The space available for additional soft landscaping is very limited, and in any event, I am required to determine the appeal based on the submitted plans. No details are provided in respect of the form any raised flower beds might take.
10. Having regard to the above, varying the condition, with regard to the revised landscaping details, would have an adverse effect on the character and appearance of the area. As such, the condition remains necessary and justified. The proposal would therefore conflict with Woking Core Strategy (2012)

policies CS21 and CS24, Woking Development Management Policies Development Plan Document (2016) policies DM2 and DM10 as well as the Framework and guidance contained within the Supplementary Planning Document 'Design' (2015). These policies, taken together, require development to incorporate landscaping to enhance the setting and character of the development and the general area.

Conclusion

11. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

R. Lawrence

INSPECTOR