

Appeal Decision

Site visit made on 19 August 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/K3605/W/24/3339904

Pyrford, Weston Green, Thames Ditton, Surrey KT7 0JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Hardev Bal against the decision of Elmbridge Borough Council.
 - The application Ref 2023/1548 was approved on 22 September 2023 and planning permission was granted subject to conditions.
 - The development permitted is *hip to gable roof extension incorporating rear dormer windows and front roof lights, first floor rear extension and alterations to fenestration*.
 - The condition in dispute is No.3 which states that:
The development shall not be erected other than in the following materials:
External - Materials to match existing.
Roof - Tiles to match existing, mineral felt and code 4 lead on part dormer.
 - The reason given for the condition is:
To ensure that a satisfactory external appearance is achieved of the development in accordance with policy DM2 of the Elmbridge Development Management Plan.
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Decision

1. The appeal is allowed and planning permission Ref 2023/1548 for hip to gable roof extension incorporating rear dormer windows and front roof lights, first floor rear extension and alterations to fenestration at Pyrford, Weston Green, Thames Ditton, Surrey KT7 0JZ granted on 22 September 2023 is varied by deleting condition No.3 and substituting it for the following condition No.3:

MATERIALS – APPROVED

The development shall not be erected other than in the following materials:

External - Materials to match existing.

Roof - Tiles to match existing in colour, profile and texture, mineral felt and code 4 lead on part dormer.

Background and Main Issue

2. The development includes a new main roof for the appeal property. The appellant wants to carry out the development without complying with condition No.3, insofar as it includes that new roof tiles shall match the

existing roof tiles, because he wants to use different tiles. The main issue in this case is, therefore, whether this part of condition No.3 is necessary having regard to the reason given for its imposition, including the character and appearance of the appeal property and the local area.

Reasons

3. The appeal property, Pyrford, is a large, detached two-storey house. The existing main roof tiles were contemporary when it was built, believed to be in the 1950's or 1960's. The same red/brown, rough finish curved pantiles are also used in the main roofs of each closely spaced house either side of it, probably built at around the same time as Pyrford. These three houses are discretely sited along one side of a private drive at the end of a cul-de-sac, bounded by tall trees or hedgerow.
4. They are different in detailed floorplan, roof shape and some elevation materials. But their general form and appearance has visual coherence, including unity in the colour and, especially, profile and texture of the main roof tiles, even if they are concrete. This gives a noticeable grain and undulation to this upper part of these buildings. These distinctive roofs make a positive contribution to the character of each house and to the local area. Albeit from within a small visual envelope, this can be appreciated in public views from the cul-de-sac and a footpath opposite the houses.
5. The local area includes some variety in dwelling size, type and design. Many of the main roof tiles in these other houses and those under construction in the Merrywood Estate are red/brown in colour but with a flat profile and smooth texture. This roof tile, or similar, is what the appellant wants to use, though no other details are given. However, although nearby this residential development has little direct visual or spatial interrelationship with Pyrford. Furthermore, even if matched in colour, those tiles would fail to respect important profile and texture features of the main roof tiles at Pyrford, so significantly diminish the individual visual presence of this house. It would also interrupt the linear continuity and collective integrity of the pattern and sequence of all three roofs as defining features in the local area.
6. There are some red/brown tiles with a flat profile and smoother texture in the front porch of Pyrford. A single-storey rear extension incorporates red roof tiles with a different curved profile. However, none of those tiles are part of the main roof, or as extensive, and not at the same elevated height so do not set an appropriate context for tiles in the new main roof.
7. The original main roof tiles at Pyrford, now at least more than 50 years old, cause or contribute to damp in the house. There is no objective evidence of inherent design or manufacturing defect. Nor about whether these tiles were installed correctly to begin with or if there has been sufficient maintenance or satisfactory repair and replacement over time. There is also no apparent reason why new tiles in the same colour, profile and texture, but designed to current standards and manufactured using modern materials or processes (including to comply with Building Regulations) would not address these defects or be prohibitively more expensive. Nor that the tiles preferred by the appellant are the only way to achieve the same benefit.

8. Without prejudice to my decision, the Council suggested amended wording for condition No.3. The effect of the relevant change would be to clarify that new roof tiles should match the existing roof tiles in colour, profile and texture; not that they must match in the sense that existing tiles be reused or replaced by tiles of the same vintage. This would not affect the acceptability of the development granted planning permission and give the appellant greater flexibility to improve the roof fabric of the house. This would strike an appropriate balance with material planning considerations in the wider public interest.
9. The Council did not originally impose a condition, or in this appeal suggest further modified wording of condition No.3, to require formal submission and approval of details of proposed roof tiles, such as manufacturer, product name or a sample. This would not be necessary or reasonable in this case given the explicit suggested amended wording of condition No.3, which would give greater certainty, and the relatively straightforward nature of the householder development. The onus would remain on the appellant to ensure that the condition was complied with on plain reading of it. He could, though, ask the Council, at its discretion, to comment informally on details before committing to a roof tile or starting work. This would reflect the spirit of positive, proactive engagement advocated by the National Planning Policy Framework (NPPF) in the interests of sustainable development.
10. I therefore find that the part of condition No.3 that I intend to modify would ensure no material harm to the character and appearance of the appeal property and the local area, so it would serve a useful planning purpose. As a result, this condition is necessary for the reason given by the Council, to ensure a satisfactory external appearance in accordance with Policy DM2 of the Elmbridge Development Management Plan April 2015. This policy includes aims to achieve high quality design that preserves the character of the area, including attributes of a host building. It is consistent with objectives of the NPPF to ensure that development is sympathetic to local character and that materials maintain a strong, distinctive sense of place. I am also satisfied that the condition is relevant to planning and to the development permitted by the Council. As well, that it is precise, enforceable and reasonable in the context of the considerations outlined earlier.

Other Matters

11. There is conflicting evidence about whether the Council previously granted planning permission for the same development at Pyrford without condition No.3 (Ref 2020/0095), or at least the part about matching roof tiles. But even if it did, this permission has lapsed so there is anyway no fallback position. I have considered condition No.3, which is before me, on its planning merits in determining the appeal.

Conclusion

12. For the reasons set out above, the appeal succeeds.

Robin Buchanan

INSPECTOR