



Appeal Decision

Site visit made on 3 February 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2025

Appeal Ref: APP/D3640/W/24/3347474

2 Glynswood, Camberley, Surrey GU15 1HU

- 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 Ms Marie against the decision of Surrey Heath Borough Council.
 - The application Ref is 24/0282/PMR
 - The application sought planning permission for the erection of detached part single, part two storey dwelling without complying with a condition attached to planning permission Ref 22/0371/FFU, dated 4 July 2023.
 - The conditions in dispute is No 4 which states that: *The development, hereby permitted, shall be built in accordance with the following approved plans: Site Local Plan, Existing and Proposed Block Plan Ref: 21-142, PL-2-01 Rev E, Proposed Floor Plans Ref: 21 – 142, PL2-06 Rev C and Proposed Elevations and Street Scene Ref: 21-142, PL-2- 07 Rev C.*
 - The reason given for the condition is: *required in the interest of certainty and to protect the character of the area.*
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Ms Marie against Surrey Heath Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. It is noted that the donor dwelling has been renamed Glyn House. However, for the avoidance of doubt the original application address has been used above.

Background and Main Issue

4. Construction of the proposed new dwelling has begun but the external faces have not been completed and the proposed variation seeks to alter how they would be finished.
5. The Council have refused this variation on 2 grounds, one of which is related to mitigation against harm to the Thames Basin Special Area of Protection. Section 73(2) of the Town and Country Planning Act 1990 (as amended) requires the decision maker to consider only the question of the conditions subject to which planning permission should be granted. As set out in the Planning Practice

Guidance¹, this type of application is not a complete re-consideration of the application. This decision is limited to the impact of varying condition 4 only.

6. Therefore, the main issue the effect that varying condition 4 would have on the character and appearance of the street scene and area.

Reasons

7. The appeal site is a corner plot at the junction of Portsmouth Road and Glynswood and the new dwelling is located between the donor dwelling and Portsmouth Road. This means the new dwelling is highly visible in both the street scene of Glynswood and Portsmouth Road. The properties on Glynswood are generally all similar in design and mainly finished in brick, with hung tiles and render detailing predominantly in warm brown or red shades. The properties along Portsmouth Road are wider ranging in styles and designs, but the dominant pallet of materials is still similar to that on Glynswood.
8. The approved materials of the new dwelling were brick, similar to the other properties on Glynswood, and a small area of grey cladding. The proposed variation would only use grey cladding and white render.
9. It is noted in the West Urban Area Character Supplementary Planning Document (SPD), the use of brick is specifically noted as a positive architectural feature of the Post War Council Estate character areas, of which Glynswood is part of. However, the use of cladding and render are not unusual in the local area, especially when considering the new dwelling in relation to Portsmouth Road, which is considered a Main thoroughfare in the SPD, and is identified in this as having a more mixed character.
10. However, the prevailing feature of both the area immediately around the appeal site and further afield is the colour pallet of warm browns and reds which reflect the colours of the bricks. The use of grey and white is predominantly limited to detailing on individual dwellings only, and therefore does not overwhelm the established colour pallet. As such the proposed use of only white and grey would be in stark contrast to this. It would create a dominant and awkward visual relationship between the new dwelling and its surroundings. An impact which would be further exacerbated by the obvious position of the new dwelling. Consequently, it would have a harmful effect on the character and appearance of both the street scene and area.
11. The appellant has drawn my attention to various examples of the proposed materials and colours being used on dwellings in the area², including the donor dwelling. Notwithstanding whether these examples are lawful, they are not in as obvious locations within the street scene as the proposed new dwelling, and in some cases simply serve to confirm the juxtaposition between that proposed and the area's dominant material pallet. Nevertheless, in terms of this decision they serve to confirm that, in relation to character and appearance, each case should be considered carefully on its own merits.

¹ Planning Practice Guidance: Use of planning conditions - Paragraph: 031, Reference ID: 21a-031-20180615

² 14 Glynswood, Hill Cottage Glynswood, 27 and 39 Le Marchant Road, 7 Tekels Way and 66 Longmeadow. The appellant also submitted a website link proffering 34 further examples but without specific details submitted and certainty that the information on that page had not changed, these have not been taken into consideration.

12. The proposal by varying condition 4, would therefore harm the character and appearance of the street scene and area. It would fail to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document, insofar as it seeks to protect the character and appearance of an area, and it would not align with the guiding principles of the SPD.

Conclusion

13. For the reasons given above the appeal should be dismissed.

RJ Redford

INSPECTOR