



Appeal Decision

Site visit made on 14 January 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/P3610/D/24/3348086

47 Holmwood Road, Cheam, Surrey SM2 7JR

- 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 Ezen against the decision of Epsom and Ewell Borough Council.
 - The application Ref 24/00417/REM, dated 16 April 2024, was refused by notice dated 11 June 2024.
 - The application sought planning permission for a two-storey rear and side return extension without complying with conditions attached to planning permission Ref 20/00327/FLH, dated 28 April 2020.
 - The conditions in dispute are Nos 2 and 3 which state that:
Condition 2: The development hereby permitted shall be carried out in accordance with the following approved plans: 055_00_Proposed_Ground-Floor 055_00_Proposed_First-Floor 055_02_Proposed_Roof 055_04_Proposed_Elevation_C 055_05_Proposed_Elevation_B & D 050-06_Proposed_Elevation_A 055_07_Proposed_section_01.
Condition 3: The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form received 26.02.2020.
 - The reasons given for the conditions are:
Condition 2: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans.
Condition 3: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey rear and side return extension at 47 Holmwood Road, Cheam, Surrey SM2 7JR in accordance with the terms of the application, Ref 24/00417/REM, without compliance with conditions number 2 and 3 previously imposed on planning permission 20/00327/FLH, dated 28 April 2020 and subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024, which I have had regard to as a material consideration in my decision making. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by this.
3. In the interests of consistency, a set of updated plans has been submitted during the appeal process. For the avoidance of doubt, I have determined the appeal based on the following plans: 055_02_A; 055_05_A; 050-06_A;

055_00_Proposed_Ground-Floor; 055_04_Proposed_Elevation_C; and
050_P_Location Plan.

Background and Main Issue

4. The development has not been constructed in accordance with the plans approved under the original permission. Insofar as it is relevant to this appeal, the changes relate to the front gable element, apex window and external materials.
5. Accordingly, the main issue is the effect of varying the conditions on the character and appearance of the host dwelling and of the surrounding area.

Reasons

6. Holmwood Road is a long and straight road which predominantly contains large two storey detached dwellings constructed in the 1930s. The properties display a degree of uniformity in architectural style and typology, with a limited number of house types that follows a controlled set of complementary variations dispersed throughout the road.
7. The appeal dwelling, as it existed prior to the works took place, was characterised by a two-storey front bay window under a projecting hipped roof. It was externally finished in brick, grey/blue render and brown tiles. Many of the neighbouring properties display a similar design, albeit with some variation in terms of materials to include pebble dash, different colours of render and hanging tiles. Some other surrounding houses display a different design, with eaves broken and front gable features. Roof forms in surrounding properties include hipped roofs and gables.
8. Planning permission 20/00327/FLH allowed the removal of a number of existing and traditional features, such as the storm porch, bay windows, oriel window and decorative quoins. As a result, the approved building had a more contemporary appearance than the surrounding houses.
9. The development constructed comprises a front gable with an apex window. Due to its limited width, depth, and lower ridge height, the gable is subservient to the host dwelling. It occupies a central position within the front elevation, which results in a coherent and balanced façade. The contemporary appearance of the gable and window is consistent with the form and architectural style of the dwelling as approved.
10. While the hipped roof to the protruding front element previously approved would have reflected the roof of the host dwelling and the surrounding hipped roof forms, front gables with large windows are featured in a few neighbouring houses. As such, the gable and apex window do not appear at odds with the surrounding area.
11. The external materials on the dwelling include off-white render and slate to the roof, which are appropriate to the contemporary nature of the design. There is a wide variety of external finishes within the locality, so these materials are not harmful to the surrounding character.
12. As such, the development does not have a harmful effect on the character and appearance of the host dwelling and of the surrounding area, in accordance with Policies CS1 and CS5 of the Core Strategy 2007, and Policies DM9 and DM10 of the Development Management Policies Document 2015. Among other things, these policies support development that is of high-quality design, is compatible

with local character, promotes local distinctiveness and protects the built environments of the Borough.

Other Matter

13. Concerns were raised by a third party in relation to construction works that have been carried out at the rear of the property. However, such works fall outside my consideration of this appeal.

Conditions

14. The standard time limit condition is unnecessary as works have been carried out. The numbering of the conditions has been adjusted accordingly. I have also amended the wording of the materials condition to ensure that the materials are retained for as long as the dwelling remains in place to ensure it retains an appropriate appearance.
15. In the interests of protecting the privacy of the occupiers of the adjoining residential properties I have imposed conditions removing permitted development rights for the installation of side windows, precluding the use of the roof of the extension as a balcony or sitting area, and requiring the installation of privacy screens.

Conclusion

16. For the reasons given above the appeal should be allowed.

P Terceiro

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be retained in accordance with the following approved plans: 055_02_A; 055_05_A; 050-06_A; 055_00_Proposed_Ground-Floor; 055_04_Proposed_Elevation_C; and 050_P_Location Plan.
- 2) The materials used in the construction of the external surfaces of the development hereby permitted shall be retained for as long as the development remains in place.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings (other than those hereby approved) shall be formed in the side walls of the extensions hereby approved without the prior written consent of the Local Planning Authority.
- 4) The roof of the extension hereby permitted shall not be converted or used as a balcony or a sitting out area, and no access shall be gained except for maintenance purposes.
- 5) Notwithstanding the approved drawings, within 2 months of the date of this decision, a drawing to a scale of 1:20 showing the proposed privacy screens along the flank edges of the first-floor balcony shall be submitted to and approved in writing by the local planning authority. It is expected that the privacy screens comprise either a wing wall, frosted glazing, or combination of the two, at a height of at least 1.8m and frosted to a minimum of level 3 of the Pilkington Scale in the case of glazing. The screen shall be implemented within three months of its approval and shall be built in accordance with the approved details and thereafter maintained in situ.