



Appeal Decision

Site visit made on 14 July 2025

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Appeal Ref: APP/A3655/W/25/3360658

Kitterick, Shaftesbury Road, Woking, SURREY GU22 7DU

- 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 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs Quddoos against the decision of Woking Borough Council.
 - The application Ref is PLAN/2024/0727, dated 13 December 2024.
 - The application sought planning permission for erection of a single storey rear extension following part removal of existing single storey structures, new raised flat roof over existing conservatory, side rooflight and alteration to fenestration. Internal alteration to create annexe accommodation without complying with conditions attached to planning permission Ref PLAN/2024/0169, dated 26 April 2024.
 - The conditions in dispute are Nos 2 and 6 which state that:
 2. The development hereby permitted shall be carried out in accordance with the approved plans listed in this notice.
 - 1000 received by the Local Planning Authority on 01.03.2024
 - 1002 received by the Local Planning Authority on 01.03.2024
 - 1100 received by the Local Planning Authority on 18.03.2024
 - 1101 received by the Local Planning Authority on 01.03.2024
 - 1125 received by the Local Planning Authority on 01.03.2024
 - 1126 received by the Local Planning Authority on 01.03.2024
 - 1127 received by the Local Planning Authority on 01.03.2024
 - 1128 received by the Local Planning Authority on 01.03.2024.
 6. Prior to first occupation of the proposed annexe the two existing doors in the north elevation of the annexe shall be replaced with windows as shown on the approved plans listed under condition 02.
 - The reasons given for the conditions are:
 2. For the avoidance of doubt and to ensure that the development is completed in accordance with the approved plans.
 6. 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 planning permission is granted for the erection of a single storey rear extension following part removal of existing single storey structures, new raised flat roof over existing conservatory, side rooflight and alteration to fenestration, internal alteration to create annexe accommodation at Kitterick, Shaftesbury Road, Woking, Surrey GU22 7DU in accordance with the application PLAN/2024/0727, dated 13 December 2024, without compliance with condition numbers 2 and 6 previously imposed on planning permission Ref PLAN/2024/0169 dated 26 April 2024 and subject to the following conditions: -

- 1) The development for which permission is hereby granted must be commenced not later than 26 April 2027.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in this notice: -
 - a. 1000 received by the Local Planning Authority on 08.10.2024
 - b. 1002 Rev A received by the Local Planning Authority on 17.10.2024
 - c. 1125 Rev A received by the Local Planning Authority on 17.10.2024
 - d. 1128 Rev A received by the Local Planning Authority on 17.10.2024.
- 3) The external finishes of the development hereby permitted shall match those used in the existing building in material, colour, style, bonding and texture.
- 4) The annexe accommodation hereby permitted shall be occupied only as residential accommodation ancillary to the use of the dwelling currently known as Kitterick, Shaftesbury Road and shall not be used as an independent residential unit.
- 5) 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, door or other additional openings other than those expressly authorised by this permission shall be formed in the annexe accommodation hereby approved without planning permission being first obtained from the Local Planning Authority.

Background and Main Issues

2. The proposal seeks to vary condition 2 that refers to the approved plans and to remove condition 6 that requires two existing doors within the front elevation to be replaced with windows. The main issue is whether an independent residential dwelling would be created and, if so, whether harm would arise to the character of the area.

Reasons

3. Planning permission is already in place for the annexe accommodation. The proposal would allow for an entrance door within the front elevation. The Council is concerned that this, in combination with the facilities provided within the annexe, would enable the annexe to be occupied independently of the main dwelling despite the plans illustrating an internal door that would connect the annexe with the main house.
4. The annexe would give the occupiers the facilities of a self-contained unit although the internal access would allow the occupiers to share living activities with the family in the main dwelling. This would physically incorporate the annexe with the main dwelling. The annexe would be attached to and share the access, parking and rear garden with the main house. As such, no sub-division of the plot is proposed. The appellant has confirmed that the annexe would be occupied by an elderly relative.

5. Planning permission that is in place is for an annexe. Even if the development could be used as a separate dwelling, that is not what is before me. If the annexe is not used as an annexe, or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required. As a separate independent dwelling would not be created this does not give rise to concerns in relating to plot size, character and the grain of the area that might harm the character of the area.
6. Further to the above, a condition has been imposed on the original planning permission that would restrict the annexe accommodation to be occupied as residential accommodation ancillary to the use of the dwelling currently known as Kitterick, Shaftesbury Road and not to be used as an independent residential unit. There is no proposal to remove this existing planning condition and, as such, this condition would remain in place.
7. For these reasons, the proposal would not conflict with Policy CS21 of the Woking Core Strategy and Policy DM9 of the Woking Development Management Policies Development Plan Document that seek good design and that relate to ancillary accommodation.

Conditions

8. The guidance in the Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under section 73 should repeat the relevant conditions from the original planning permission, unless they have already been discharged.
9. In order that the permission runs with the date of the original permission I have adjusted Condition 1.

Decision

10. The appeal is allowed subject to the modification of Condition 2 to incorporate the updated plans hereby approved and to remove Condition 6.

Nicola Davies

INSPECTOR