



Appeal Decision

Site visit made on 13 August 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 AUGUST 2025

Appeal Ref: APP/A3655/W/25/3365387

21 Oak Tree Road, Knaphill, Woking, Surrey GU21 2RW

- 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 Tamur Khawaja against the decision of Woking Borough Council.
- The application Ref is PLAN/2024/0685.
- The application sought planning permission for variation of Conditions 1 (Approved Plans), 6 (Soft Landscaping), 7 (Hard Landscaping) and 8 (EV Charging Point) of planning permission PLAN/2023/0792 (Retrospective Variation of Condition 2 (Approved Plans) of PLAN/2022/0547 (Demolition of existing dwelling and erection of replacement dwelling)) to increase the height of the single storey rear element, two-storey front projection and ridge height and alterations to fenestration. Alterations to landscaping and EV charger and addition of solar panels.
- The conditions in dispute are Nos 1, 6, 7, and 8 which state that:
 - 01. *The development hereby permitted shall be carried out in accordance the approved plans listed below:*
 - Drawing No: FE01a titled "Existing Site - Approved" received by the LPA on 18.09.2023
 - Drawing No: FE02a titled "Existing Floor Plans - Approved" received by the LPA on 18.09.2023
 - Drawing No: FE05c titled "Proposed First Floor - Approved" received by the LPA on 18.09.2023
 - Drawing No: FE06c titled "Proposed Second Floor Plan - Approved" received by the LPA on 18.09.2023
 - Drawing No: FE07c titled "Proposed Roof Plan - Approved" received by the LPA on 18.09.2023
 - Drawing No: FE08b titled "Section 1 - Approved" received by the LPA on 18.09.2023
 - Drawing No: FE10a titled "Sections showing headroom on second floor - Approved" received by the LPA on 18.09.2023
 - Drawing No: PL10-001f titled "Proposed Site Plan and Elevations" received by the LPA on 21.11.2023
 - Drawing No: PL13-001d titled "Proposed Ground Floor Plan" received by the LPA on 21.11.2023
 - 06. *Landscaping shall be carried out in accordance with Drawing No: PL10-002b dated 11.05.2023 received 18.05.2023 in the first planting season (November - March) after completion of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.*
 - 07. *The materials used for the 'hard' landscape works shall be as specified in Drawing No: PL10-002b dated 11.05.2023 received 18.05.2023 and document titled "Hard Landscaping: Front/Back" received 30.05.2023. The works shall be carried out in accordance with the approved details and permanently retained thereafter.*
 - 08. *The development hereby approved shall not be first occupied unless and until the passive electric vehicle charging point has been installed in accordance with the submitted "Myenergi Zappi Brochure" dated 02.06.2023 received 28.02.2023 and Drawing No: PL13-001d. The works shall be thereafter retained in accordance with the approved details unless the Local Planning Authority subsequently agrees in writing to their replacement with more advanced technology serving the same objective.*

- The reasons given for the conditions are:
(01) For the avoidance of doubt and to ensure that the development is completed in accordance with the approved plans; (06 and 07) In the interests of amenity and to preserve and enhance the character and appearance of the locality; (08) In the interests of achieving a high standard of sustainability with regards to electric vehicle charging infrastructure requirements.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and erection of replacement dwelling at 21 Oak Tree Road, Knaphill, Woking, Surrey, GU21 2RW in accordance with the application Ref PLAN/2024/0685, without compliance with condition numbers 1, 6, 7, and 8 previously imposed on planning permission Ref PLAN/2023/0792 dated 13 December 2023 (granted subsequent to the original approval under planning permission Ref PLAN/2022/0547) and subject to the conditions in the attached schedule.

Preliminary Matters

2. In the banner above I have used the description of development from the decision notice and appeal form, rather than from the application form, so as to use wording agreed by both main parties. I have used the site address from the decision notice as it is the most accurate.
3. I saw in my site visit that development in a form at least resembling that shown on the plans has commenced on site. Whilst I note this, I have removed the term 'retrospective' from the description of development in the banner heading above as that is not a form of development. I have not removed that same term where it is used in respect of previous applications, as they are not before me.
4. I have received submissions questioning the accuracy of the appeal scheme plans, including the extent to which the overall height of the development would be affected by the proposed capping. These are not matters before me. My determination is based on the plans supplied. Any difference between the plans and what is built is a matter for the Council to address separately.

Background and Main Issue

5. The appeal site is a recently built, replacement semidetached dwelling. It has a single storey, side and rear element to it (the single storey element). There have been a series of applications at the site in recent years. For the purposes of this appeal, the pertinent ones are Ref PLAN/2022/0547 (the original permission), which allowed the demolition and replacement of the original dwelling at the site; Ref PLAN/2023/0792 (the revised permission) which allowed variations to the approved plans from the original permission, and; Ref PLAN/2024/0685 (the appeal scheme), the refusal of which has led to this appeal.
6. The appeal scheme seeks to increase the height of the single storey element. Other aspects include a reduction in the footprint of the single storey element, an increase in the height of a two-storey front projection, altered fenestration, the addition of solar panels, and alterations to the landscaping and electric vehicle charging arrangements. The Council takes issue only with the proposed increase in height of the single storey element.

7. I note third party concerns regarding the effect of the appeal scheme on living conditions for occupiers of the appeal site, and address that separately below.
8. The main issue is the effect of the single storey side and rear element of the appeal scheme on the living conditions of occupiers of 19 Oak Tree Road (No 19) with particular regard to light and outlook.

Reasons

9. The appeal site dwelling is joined to No 19. A pitched roof, single storey extension (the extension) has been added to the rear of No 19; this has windows facing onto the garden of that property. No 19 and the appeal site are separated by a fence running the length of the gardens. There is a gap between No 19 and its neighbour to the south, No 17 Oak Tree Road. A two-storey rear element at No 17 is positioned a reasonable distance away from the boundary with No 19. The layout of the street dictates that No 19 is situated slightly further west than No 17. No 19 has a reasonably long rear garden, beyond which is the rear garden of the adjacent property on Coresbrook Way. No 19 enjoys a sense of space, reasonably open views, and largely uninterrupted sunlight to the south and west.
10. The revised permission shows the single storey element with a staggered rear building line. Notwithstanding that the accuracy of plans is not a matter before me, I am mindful that the revised permission was based on plans which did not accurately show the depth of the extension and which, it appears, erroneously showed the single storey element to fall outside of a 45° angle from the windows of the extension.
11. Planning Practice Guidance (PPG)¹ states that '*Permission granted under section 73 of the Town and Country Planning Act 1990 (as amended) takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted*'. In considering the effects of the appeal scheme, the Council compare it to those of the revised permission. Given this, and the guidance above, I proceed on the same basis.
12. The appeal scheme does not seek to alter the depth of the single storey element; The nearest part to No 19 (the near part) would project some 3.3m beyond the rearmost point of the extension. The furthest part from No 19 (the far part) would project 7.15m beyond the same. The footprint of the far part would be reduced, so that the distance between it and the boundary with No 19 would increase by over a metre to 3.76m. The appeal scheme seeks to increase the height of the single storey element from 2.8m to 3.0m.
13. Policy CS21 of the Woking Borough Core Strategy (2012) (the CS) requires development to achieve a satisfactory relationship to adjoining properties, avoiding significant harmful impact in terms of, amongst other things, loss of daylight or sunlight, or overbearing effects due to bulk, proximity, or outlook.
14. The Council's Outlook, Amenity, Privacy and Daylight Supplementary Planning Document (SPD) (2022) advises that significant loss of daylight will occur if

¹ Paragraph: 015 Reference ID: 17a-015-20140306

proposed development lies within a zone measured at 45° in both plan and elevation from the centre of an affected window, that sunlight impacts need only be assessed if a proposed development is to the south of the pertinent window, and defines outlook in traditional terms.

15. The SPD also states that applicants should demonstrate how the relevant criteria have been addressed through Design and Access Statements as well as Daylight and Sunlight Assessments where relevant. The appeal scheme is not supported in these ways. That said, such detailed assessments are not a statutory requirement for planning applications of this type and given the straightforward nature of the tests set out in the SPD, I see no reason to view the appeal scheme as one to which more detailed submissions are relevant.
16. It has been brought to my attention that the Building Research Establishment (BRE) guidance from 2011, referenced in the SPD, was superseded in 2022. I have been provided with an excerpt from the 2022 guidance regarding the significance of tree coverage, a point I will address below, but otherwise have little evidence that the updated BRE guidance applies different tests to those described above.
17. Given the distance between the site boundary and the far part of the single storey element, it would have no significant harmful impact on living conditions at No 19. I address the near part hereafter.
18. The extension rear window closest to the appeal site is the affected one for the purposes of the SPD. From it, the single storey element in the appeal scheme would lie within a zone measured at 45° in plan, but not in elevation. The window is south of the single storey element. The appeal scheme does not contravene the SPD in respect of daylight or sunlight.
19. That a development within a zone measured at 45° in both plan and elevation would cause significant loss of daylight does not mean that development within only one of those two plains would not. The extent to which the development breaches the 45° line may be material. Furthermore, the in-combination effects of lost daylight and effects on outlook may cause such harm as to warrant dismissing the appeal. I proceed to assess these issues on the basis that whilst there is some established boundary planting in the garden of No 19, I cannot be certain that it will remain healthy, wanted by its owners, or provide visual screening all year round.
20. The near part of the single storey element of the appeal scheme breaches the 45° line by some 1.6m in plan. That, however, is true of the revised permission scheme. Views broadly northwest from the rear of No 19 include sky and treetops. The flank wall being 20cm taller would inevitably increase its prominence and reduce these views. However, in the context of the revised permission, the appeal scheme entails so slight an increase that these effects would be modest.
21. The appeal scheme includes the provision of solar panels on the roof of the single storey element, visible from upper floor windows at No 19. They are not an uncommon sight and are at a shallow pitch. As a result, they are not visually invasive and do not cause an overbearing effect on No 19.
22. Taking all of the above into account, the single storey element of the appeal scheme would maintain a satisfactory relationship to adjoining properties, avoiding significant harmful impact in terms of daylight, sunlight, or overbearing effects due

to bulk, proximity, or outlook. It would not have a harmful effect on the living conditions of occupiers of 19 Oak Tree Road and would accord with Policy CS21 of the CS and with the SPD.

Other Considerations

23. Compared to the revised permission, the appeal scheme omits a skylight from the roof of the single storey element such that rear elevational glazing would be the only source of natural light to the room within. The omission of the skylight, and third-party observations on it, were described in the Council's committee report. Even so, the effect of the appeal scheme on living conditions for occupiers of the appeal site was not a reason for refusal.
24. The SPD states that rooms over 5m deep will always be difficult to light adequately from a single elevation. That said, it also states that its guidance is to be applied flexibly, having regard to individual circumstances.
25. Rear glazing to the single storey element would face broadly southwest. As such, it would be reasonably well positioned to receive direct sunlight. The part of the kitchen / family room nearest the utility room would be more than 5m from the rear wall. However, the glazing is shown as bifold doors, in a large opening that would admit a generous amount of light. The window in the rear wall of the rear part would also provide some natural light to the area in question.
26. The part of the kitchen / family room nearest the lounge would receive less natural light but would be part of an open-plan space otherwise reasonably well served in that respect, and I would expect occupiers to arrange their furniture and activities according to the different levels and quality of light received throughout the day.
27. Considering all of the above, I see no reason to reach a different view to the Council on the matter of living conditions at the appeal site.
28. The appeal scheme addresses conditions 6 (Soft Landscaping), 7 (Hard Landscaping) and 8 (EV Charging Point) of the revised permission. As per the committee report, the appeal scheme was amended so as to rely upon landscaping details approved in the revised permission, to the Council's satisfaction. Alterations to the electric vehicle charging arrangements were also found satisfactory for the reasons set out in the report. I see no reason to take a different view on these aspects of the appeal scheme.

Other Matters

29. In addition to matters addressed above, third party submissions raise concerns including the overall extent of development at the site, alleged property damage including to plants, and the extent to which issues of concern were assessed and considered by the Council. My remit does not include these matters.
30. I note observations on the planning and enforcement history of the site but, other than where indicated above, these also are not material to the appeal scheme and have not been a factor in my decision. I note submissions that part of the garden at the appeal site is subject to a license agreement; an arrangement said to have potential implications for outdoor amenity space at the appeal site. That is not a matter pertinent to the main issue set out above and so has not played a part in my determination.

Conditions

31. The Council has provided a list of suggested planning conditions, which I have considered against paragraph 57 of the Framework, and advice contained in the PPG. The appellant has raised no objection to the suggested conditions, including to the requirements they contain to undertake certain tasks within set periods of time from the date of this decision. I therefore take it that, having considered the implications, the appellant is able to comply with those deadlines should the appeal scheme be implemented.
32. The PPG advises that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. At the same time, it also requires that decisions issued under s73 should restate the conditions imposed on earlier permissions that continue to have effect. Given both the original and revised permissions restricted permitted development rights, I take the same approach here.
33. Conditions 1 and 2 capture the plans being approved and the limitations on height contained therein in the interests of clarity. Conditions 3, 5, 6, and 8 are required to protect the character and appearance of the appeal site and the area. Conditions 4 and 7 are required to achieve a high standard of sustainability and make efficient use of resources, and Condition 9 and 10 are necessary to protect the amenities of neighbouring residents.

Conclusion

34. I have taken account of all matters raised and conclude that, for the reasons given above, the appeal should be allowed.

A Knight

INSPECTOR

Schedule of Conditions.

- 1) The development hereby permitted shall be carried out in accordance with the approved plans listed below:

Drawing No: E.100 Rev I "Proposed Elevations" dated 22/10/2024 and received by the Local Planning Authority on 24.10.2024

Drawing No: E.101 Rev H "Proposed Elevations in Compare to the Approved drawings – PLAN/2023/0792" dated 22/10/2024 and received by the Local Planning Authority on 24.10.2024

Drawing No: GA.100 Rev H "Proposed Layouts" dated 22/10/2024 and received by the Local Planning Authority on 24.10.2024

Drawing No: GA.101 Rev H "Proposed Layouts in Compare to the Approved drawings – PLAN/2023/0792" dated 22/10/2024 and received by the Local Planning Authority on 24.10.2024

- 2) The proposed single storey rear extension should not exceed 3.0m in height.
- 3) Within three (3) months of the date of this permission, all windows on the side and rear elevations shall be painted white to match those on the front elevation and permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.
- 4) Within three (3) months of the date of this decision written documentary evidence shall be submitted to the Local Planning Authority demonstrating that the development has:
 - a. Achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
 - b. Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of the notice given under Regulation 37 of the Building Regulations.

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

- 5) Within one (1) month of the date of this decision soft Landscaping shall be carried out in accordance with Drawing No: PL10-002b dated 11.05.2023 received 17.02.2025 unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting

season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

- 6) The materials used for the 'hard' landscape works shall be as specified in Drawing No: PL10-002b dated 11.05.2023 and document titled "Hard Landscaping: Front/Back" both received 17.02.2025. The works shall be carried out in accordance with the approved details within three (3) months of the date of this decision and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.
- 7) The electric vehicle charging point shall be as specified in the submitted Solaxpower Smart EV Charger brochure received 24.10.2024. The works shall be carried out in accordance with the approved details within three (3) months of the date of this decision and maintained as such in perpetuity unless the Local Planning Authority subsequently agrees in writing to their replacement with more advanced technology serving the same objective.
- 8) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 of that Order shall be erected on the application site without the prior written approval of the Local Planning Authority of an application made for that purpose.
- 9) The windows in north elevation (shown as 'East' on Drawing No: E.100) hereby permitted shall be glazed entirely with obscure glass and non-opening unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Once installed the window shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.
- 10) Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 and Classes A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any orders amending or re-enacting that Order with or without modification), the flat roof area of the single storey rear projection hereby approved shall not be used as a balcony, roof terrace, sitting out area or similar amenity area nor shall any railings or other means of enclosure be erected on top of or attached to the side of this element without the grant of further specific planning permission by the Local Planning Authority.

Schedule Ends