



Appeal Decision

Site visit made on 2 October 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2025

Appeal Ref: APP/K3605/W/25/3369502

39 Charlton Avenue, Hersham, Surrey KT12 5LE

- 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 M Anderson of Boost Homes Ltd against the decision of Elmbridge Borough Council.
 - The application Ref is 2025/0494.
 - The application sought planning permission for *part two/part single storey side extension, front dormer window and front, side and rear rooflights to facilitate conversion of house into 7 flats with associated parking and bin and cycle storage* without complying with a condition attached to planning permission Ref 2024/2222, dated 14 October 2024.
 - The condition in dispute is No 2 which states that:
The development hereby permitted shall be carried out in strict accordance with the following list of approved plans and documents:
P101 - Location Plan received on 20 December 2021 and
P209 - Proposed Plans and Elevations - Bin and Cycle Store received on 22 December 2021 from application 2021/4404 and
P202 - Proposed Block Plan
P203 REV C - Proposed Site Plan
P206 REV D - Proposed Floor and Roof Plans
P207 REV B - Proposed Elevations
P208 REV A - Proposed Street Scene from application 2024/2222 received on 23 August 2024.
 - The reason given for the condition is:
To ensure that the development is carried out in a satisfactory manner.
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Decision

1. The appeal is allowed and planning permission is granted for part two/part single storey side extension, front dormer window and front, side and rear rooflights to facilitate conversion of house into 7 flats with associated parking and bin and cycle storage at 39 Charlton Avenue, Hersham, Surrey KT12 5LE in accordance with the terms of the application Ref 2025/0494 without compliance with condition number 2 previously imposed on planning permission Ref 2024/2222 dated 14 October 2024 and subject to the conditions in the attached schedule.

Procedural Matter

2. Planning permission was originally granted under Ref 2021/4404 for the development described in the banner heading, and subsequently varied by permission Ref 2024/2222 to alter the internal layout of flats 1, 2, 3, 6 and 7, revise the footprint of flat 3, add dormer windows, relocate front former window and front and rear rooflights, alter fenestration and remove chimney stack. changes to the approved scheme. For clarity, I have used the original description of development in the banner heading and decision.

Background and Main Issue

3. The planning permission granted under Ref 2024/2022 was subject to a number of conditions, including No 2 which required adherence to the approved plans listed. The reason for the condition was to ensure that development was carried out in a satisfactory manner.
4. The appellant now wishes to make a further amendment to the approved scheme by inserting an additional dormer window. It is this proposed change, and the associated variation to condition 2 of planning permission Ref 2024/2222, which is the subject of this appeal.
5. The main issue is the effect of varying the condition to allow for an additional front dormer window on the character and appearance of the host property and the area.

Reasons

6. The appeal site is located at the junction of Charlton Avenue and Queens Road, in a residential area characterised by detached dwellings in well proportioned, well landscaped plots.
7. In common with most nearby properties, the appeal property is two storeys high with a hipped, pitched roof. The front roof plane of the property contains two dormer windows along with several rooflights and a chimney; consequently, dormer windows are already part of the character of the host building. Moreover, there are front and side dormer windows on the two dwellings directly opposite the appeal site – 20 and 22 Charlton Avenue – and front dormer windows on 102 and 108 Queens Road which are diagonally opposite the appeal site. These dormer windows vary considerably in their size and design. So, whilst there are a number of houses without dormer windows nearby, houses with multiple dormer windows are a well-established element of local character.
8. The proposed dormer window, although wider than the two existing dormer windows, would be at the same level and utilise similar design and materials as the existing dormer windows, featuring a hipped roof and central gable. It would respond positively to the proportions and positions of the existing dormer windows on the building without dominating the large front roof or resulting in a cluttered appearance, in accordance with the advice contained in the Elmbridge Design Code Supplementary Planning Document, which is a material consideration. Furthermore, the presence of two mature trees, which are subject to a Tree Protection Order, helps to filter views of the building from Charlton Avenue and Queens Road, particularly in summer.
9. It has been brought to my attention that a larger 'blind' dormer in the same position was constructed without planning permission and subsequently removed. Having been supplied with images of that dormer, I am satisfied that the current proposal successfully overcomes the concerns that were identified with the size and design of the previous dormer. The Council has argued that the proposed dormer window is not essential, but I nonetheless find that, for the reasons I have set out, it is acceptable.
10. I conclude that varying the condition to allow for an additional dormer window would not harm the character and appearance of the host property or the area,

and would therefore accord with Policy DM2 of the Elmbridge Local Plan Development Management Plan April 2015 and policies CS5 and CS17 of the Elmbridge Core Strategy July 2011, which together require new development to achieve a high design quality which integrates with and enhances the local character of Hersham. It would also accord with the aim of the National Planning Policy Framework of achieving well-designed places which are visually attractive and sympathetic to local character.

Conditions

11. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should restate the conditions imposed on earlier permissions that continue to have effect. The Council has provided a list of suggested conditions which reflect those imposed on planning permission 2024/2222. I have reviewed these conditions and agree that they are still relevant.
12. As the development has been implemented, it is unnecessary for me to attach the commencement of development condition. In the interests of certainty, I have amended condition 2 listing the approved plans (now renumbered as condition 1) and reattached all the other conditions from planning permission 2024/2222.

Conclusion

13. As I have concluded that the condition can be varied without harm to the character and appearance of the host property or the area, the appeal is allowed.

J Heppell

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in strict accordance with the following list of approved plans and documents:
P101 - Location Plan received on 20 December 2021 and
P209 - Proposed Plans and Elevations - Bin and Cycle Store received on 22 December 2021 from application 2021/4404 and
P202 - Proposed Block Plan from application 2024/2222 received on 23 August 2024 and
P203 REV D - Proposed Site Plan
P206 REV E - Proposed Floor and Roof Plans
P207 REV C - Proposed Elevations
P208 REV B - Proposed Street Scene received on 25 February 2025 from application 2025/0494.
2. The development shall be implemented in materials to match the existing building.
3. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans, without the prior written approval of the local planning authority.
4. If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted, at such time as may be specified in writing by the local planning authority.
5. The first floor window in the southern elevation of the development shall be obscure glazed to a level equivalent to Pilkington Level 3 or above and shall be non-opening up to a minimum height of 1.7 metres above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or any other openings (other than those expressly authorised by this permission) shall be constructed on the first floor southern side elevation of the dwelling hereby approved.
7. The approved cycle store shall be maintained for the secure and covered parking of bicycles and thereafter the approved facilities shall be kept available for the parking of bicycles.
8. The approved detail from application 2024/1328 for a scheme of electric car charging point shall be carried out and operated in accordance with the approved scheme.
9. The area set out in the approved site plan for 7 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear, shall thereafter be kept available at all times for those purposes.
10. The enlarged roof light on the eastern roof elevation hereby approved shall not be converted or used as a convertible roof window that allows for the creation of a balcony type opening without first seeking permission in writing from the local planning authority.
11. In accordance with the approved plans of the development hereby permitted, and with immediate effect, the two rear facing dormer windows in the eastern elevation shall be glazed with obscure glass that accords with level three

obscurity as shown on the Pilkington textured glass privacy levels (other glass suppliers are available) and only openable above a height of 1.7m above the internal floor level of the room to which it serves. The window shall be permanently retained in that condition thereafter.

12. The flat roof to the development hereby permitted shall not at any time be altered or adapted to form a balcony, roof garden or similar amenity area without the grant of a further specific permission from the Borough Council.

End of schedule