
Appeal Decisions

Site visit made on 21 November 2016

by Sukie Tamplin DipTP Pg Dip Arch Cons IHBC MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 January 2017

Appeal Ref: APP/Y3615/C/16/3153414

Bridge Cottage, Lower Eashing, Godalming GU7 2QF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Michael Pearman against an enforcement notice issued by Guildford Borough Council.
- The notice was issued on 26 May 2016.
- The breach of planning control as alleged in the notice is without planning permission, operational development consisting of the erection of a car port.
- The requirements of the notice are:
 - i) Demolish the building hatched in black on the attached plan and shown in photograph "A" (Plan and photograph attached to the Notice)
 - ii) Remove from the land any material or debris resulting from step 1.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal Ref: APP/Y3615/W/16/3153417

Bridge Cottage, Lower Eashing, Godalming GU7 2QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Michael Pearman against the decision of Guildford Borough Council.
- The application Ref 15/P/01539, dated 29 July 2015, was refused by notice dated 4 May 2016.
- The development proposed is retention of Car Port and non-habitable storage space in loft.

Summary of Decision: The appeal is allowed and planning permission is granted.

Background and procedural matters

1. Bridge Cottage is located in the hamlet of Lower Eashing and is within the Green Belt. Adjacent and to the east of the cottage are a pair of Grade II listed cottages. Planning permission, Council reference 08/P/02104 was granted in 2009 (the 2009 pp) for a replacement dwelling at the appeal site. Bridge Cottage was built following the demolition of the single storey bungalow which was previously on the site. Condition 3 of the 2009 pp removed the rights to
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erect¹, amongst others, extensions and outbuildings without an express planning permission.

2. After the site visit the views of the parties were sought in respect of the definition of the term "original dwelling". I have taken the response into account in my decision. The two appeals are concerned with the same development and thus are considered together.

Main issues

3. The main issues in this appeal are:
 - whether the car port constitutes inappropriate development in the Green Belt; and
 - if so, whether the benefits of the structure clearly outweigh the harm by reason of inappropriateness together with any other harm, including any effects on the openness of the Green Belt, such that very special circumstances have been demonstrated.

Reasons

4. The appeal site lies within the Metropolitan Green Belt as defined by Policy RE1 and the Proposals map of the adopted Guildford Borough Local Plan 2003 (GBLP). The intention of policies in the development plan is to maintain the open nature of the Green Belt. The National Planning Policy Framework (the Framework) says in turn that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence².
5. Policy RE2 of the GBLP says that new building will be inappropriate within the Green Belt unless it is for certain defined purposes including "3. Limited extension, alteration or replacement of existing dwellings provided it is in accordance with Policies H6 and H9." Policy H6 does not apply to this case because it deals with proposed replacement dwellings, but Policy H9, Extensions to Dwellings in the Countryside, is applicable. This policy says that within the Green Belt and outside identified settlements (both of which apply here), there is a presumption against extensions to dwellings which result in disproportionate additions, taking into account the size of the original dwelling. Accordingly, before deciding whether the appeal development is inappropriate, it is necessary to determine whether the car port is a disproportionate addition taking into account the size of the original dwelling.
6. Paragraph 5.39 of the supporting text to Policy H9 defines the meaning of original building as "the dwelling and domestic outbuildings as existing on 1 July 1948 or, if no dwelling existed on that date, then the dwelling as first built after 1 July 1948 excluding any extensions or outbuildings built after completion of the dwelling.
7. In the case before me there was a dwelling on site on 1 July 1948 which is said to have had an external floorspace of about 102 sq m. This measurement included the domestic outbuilding or car port previously on site. This bungalow was replaced following the grant of the 2009 pp and the resultant dwelling has

¹ Permitted development rights for development in the curtilage of a dwelling house set out in the General Permitted Development Order (GPDO)

² Paragraph 79: The National Planning Policy Framework

- a total floor area of 135.83 sq m. Subsequently the car port, subject of these appeals, was constructed which, excluding the upper floor which is said to be for storage purposes only, has added about 27.5 sq m.
8. Thus the building as it now stands has a floor area of about 163 sq m which represents an increase of some 60% over the floorspace of the original bungalow. I thus conclude, in terms of floorspace, that as a matter of fact and degree, this is a disproportionate addition in the terms of Policy H9.
 9. Nevertheless paragraph 5.39 of the GBLP is clear that the principal consideration is the potential impact on openness and the visual amenities of the Green Belt in terms of size, scale, design, materials and character. In these specific circumstances it appears that the GBLP provides some flexibility in terms of assessing the size of the original dwelling. This is particularly as it also says "small extensions, even where there have been a number of previous extensions to the original dwelling, will not necessarily be refused".
 10. The effect on openness is not necessarily simply a factor that derives from floorspace, and the Council accept that the cubic content of the replacement building resulting from the 2009 pp is less than that of the original bungalow on the site. Indeed the delegated officer report which led to the 2009 pp said "Having regard to the reduction in visual bulk (volume), width, depth, and the minimal increase in height the proposed replacement dwelling is acceptable in terms of its impact on the Green Belt and its openness." Thus in terms of 'size' as measured by visual bulk the second dwelling is acknowledged not to be materially larger than the original bungalow.
 11. Openness is generally defined by an absence of built form and for the purposes of this appeal I consider that the volume or mass of the development is a more accurate measure of impact of openness. In terms of volume the car port is about 65 cu m and this represents around a 14% increase over and above the cubic volume of the original bungalow. Thus in terms of mass, size and scale it does not represent a disproportionate addition over and above the size of the original building.
 12. The appeal site is in Eashing Conservation Area (ECA) and adjoins Grade II listed buildings and this provides the context in which to consider the other aspects of Policy H9, namely design, materials and character. The car port is sited well back from the road and is flanked by the host dwelling and "the Old Barn". The barn is clad in dark stained timber and is in the appellant's ownership so that it provides one wall of the car port. The rear wall and part of the side wall comprise pre-existing retaining walls.
 13. The car port has been designed to mirror the design and features of the barn and because of its discreet location it has a limited impact on the street scene. The Council accept that the visual impact of the car port does not harm either the setting of the listed buildings or the character and appearance of the ECA and I see no reason to disagree.
 14. In these circumstances the development does not conflict with the aims of Chapter 12 of the Framework or the design policies relied upon by the Council. The development preserves the setting of the adjacent listed buildings³ and also preserves the character and appearance of the ECA⁴.

³ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended)

⁴ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended)

15. In the light of the above conclusions I further conclude that the car port is not inappropriate development for the purposes of paragraph 89 of the Framework. Neither does it conflict with GBLP Green Belt policy including saved Policies RE2, H6 and H9. Hence I do not need to consider the effect on openness or very special circumstances any further.

Conclusion

16. For the reasons I have given the car port does not result in a disproportionate addition over and above the mass, size and scale of the original building and in the absence of any other harm the appeal on ground (a) will succeed and planning permission will be granted. Conditions are not necessary in either appeal other than, in the interests of clarity, to specify the approved plans.

Formal Decisions

Appeal B: APP/Y3615/W/16/3153417

17. Appeal A is allowed, the enforcement notice is quashed and planning permission is granted for the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a car port at Bridge Cottage, Lower Eashing, Godalming GU7 2QF as referred to in the Notice, subject to the following condition:

1. The development hereby permitted shall be retained only in accordance with the following plans submitted with the application subject of Appeal B, namely: Bridge Cottage Site Location Plan 1:1250, 1504/PO22 Proposed site plan, 1504/PO33 Floor plans, 1504/PO44 Elevations, 1504/PO55 Street scene and section only in so far as the plans relate to the car port subject of the Notice.

Appeal B: APP/Y3615/C/16/3153414

18. Appeal B is allowed and planning permission is granted for the erection of a car port and non-habitable storage space in loft at Bridge Cottage, Lower Eashing, Godalming GU7 2QF, subject to the following condition:

1. The development hereby permitted shall be retained only in accordance with the following approved plans: Bridge Cottage Site Location Plan 1:1250, 1504/PO22 Proposed site plan, 1504/PO33 Floor plans, 1504/PO44 Elevations, 1504/PO55 Street scene and section, only in so far as the plans relate to the car port and non-habitable storage space in loft.

Sukie Tamplin

INSPECTOR