
Appeal Decision

Site visit made on 25 April 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 19 May 2017

Appeal Ref: APP/A3655/D/17/3168324

The Copse, Blackhorse Road, Brookwood, Woking GU22 0QT

- 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 and Mrs Palles-Clark against the decision of Woking Borough Council.
 - The application Ref PLAN/2016/0960, dated 19 August 2016, was refused by notice dated 22 November 2016.
 - The development proposed is replace existing double garage with slightly larger building.
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Decision

1. The appeal is allowed and planning permission is granted to replace existing double garage with slightly larger building at The Copse, Blackhorse Road, Brookwood, Woking GU22 0QT in accordance with the terms of the application, Ref PLAN/2016/0960, dated 19 August 2016, and the plans submitted with it subject to the conditions on the attached list.

Main Issues

2. The main issues in this appeal are: **first**, whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan, and its effect on the openness of the Green Belt; and **second**, its effect on the character and appearance of the surrounding area including its impact on nearby trees.

Reasons

Whether inappropriate development

3. The appeal site is in the Green Belt. It comprises the substantial garden of a large house. The proposed development would replace an existing garage.
4. Policy CS6 of the Woking Core Strategy (2012) (CS) reiterates Government Policy in the Framework on the protection of the Green Belt. It broadly accords with the Framework in saying that new development in the Green Belt is inappropriate unless, amongst other things, it is for the replacement of a building in the same use that would not be materially larger than the buildings to be replaced and would have no greater impact on the openness of the Green Belt. Policy DM13 of the Woking Management Policies Development Plan Document (DPD) (2016) adds a further caveat to the effect that the

replacement building should generally be sited on or close to the position of the building to be replaced.

5. Assessed against the above Policies the proposed development is for a garage that would replace a building in the same use. It would be located on almost the same footprint as the existing building. To this extent there is clear compliance with the aforementioned Policies. The dispute between the parties is whether the proposed building would be materially larger than the building to be replaced. Both parties have provided figures on this. As the Council's figures are by far the more comprehensive it is those that I shall rely upon. Within only a small margin of difference the proposed building would have a similar footprint to the building to be replaced. It would also have a not dissimilar total floor space. I base this judgement on the fact that the existing building has a ground and first floor as does the proposed development. Although the first-floor of the existing building was not shown on the application plans my visit clearly indicated its existence.
6. The most crucial comparative measurement in this case relates to volume for it is this that this clearly demonstrates the impact that there would be on openness. The proposed garage would be only marginally taller than the building to be replaced but would have a slightly more bulky roof form. However, even with the different roof design the Council estimates that there would only be a 22.5% increase in volume. I consider this to be a relatively modest increase and one that would not result in the proposed building being materially larger than the one to be replaced. As such it would not be inappropriate development in the Green Belt and there would be no significantly adverse effect on the openness of the Green Belt.
7. The Council provided substantial evidence on the size of extensions to the house and other developments permitted on the appeal site. It says that these developments combined with the proposal before me would represent inappropriate development in the Green Belt. However, although such consideration of past extensions would be material when looking at schemes for further extensions to the house they are not material in determining whether or not this replacement building is inappropriate development.
8. For the reasons given above it is concluded that the proposal would not be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework), and that there would be no significant harm to the openness of the Green Belt. There would be no conflict with CS Policy CS6 and DPD Policy DM3

Character and appearance

9. The proposed replacement garage would lie fairly close to the appellant's house. This house is quite attractive and of a traditional design with a pitched roof with a gable ends. The proposed garage would have a different roof form, in part of a mansard style and in part hipped. I find this an entirely acceptable roof design and one that would not look unacceptably out of keeping when seen against the different roof form of the main house. The walls of the proposed garage would be rendered. As such it would differ from the house which is faced with brick. However, the appellants say that it is their intention to render the house which I have no reason to disbelieve.

10. I do have one concern about the design of the proposed garage and that is the proposed creation of dormer windows in the front elevation. This would result in a bulkier roof and would make the proposed garage appear out of keeping in the context of its setting close to the main house. However, the appellant has provided revised drawings indicating the removal of the dormer windows and replacement with velux rooflights. This resolves my concerns and I am satisfied that the required change could be sought through a modifying condition.
11. There are a number of trees in the vicinity of the proposed garage including what appears to be a magnificent tall cedar. These trees add greatly to the character and appearance of the site and surrounding area. As the proposed garage would be in essence on the footprint of the existing garage no harm should come to these trees provided care is taken during construction works. A condition may be imposed to ensure this.
12. It is concluded that the proposed development would have no detrimental effect on the character and appearance of the surrounding area including in relation to its impact on nearby trees. Thus there would be no conflict with CS Policy CS21 which requires new development to respect the character of the area on which it is located and DPD Policy DM12 which seeks the retention of trees and their protection during development.

Conditions

13. As I am minded to allow the appeal I have considered what conditions should be imposed in addition to the standard condition on the commencement of development. To protect the character and appearance of the area I shall require the submission and approval of external materials and for details of tree protection. To ensure that the building hereby permitted does not become an independent residential unit I shall require that it remains ancillary to the use of the main house. In the interests of proper planning I shall require the development to be carried out in accordance with the approved plans with the caveat of a modifying condition for the reasons given above.

Conclusion

14. For the reasons given above it is concluded that the appeal should be allowed.

R J Marshall

INSPECTOR

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 3) No development shall take place until details have been submitted to and approved by the local planning authority in writing of a method of tree protection during construction work. Development shall be carried out in accordance with the approved details.
- 4) The building hereby permitted shall at all times remain ancillary to the use of the dwelling currently known as The Copse.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: 104-00-007 Rev D, 104-00-008 Rev D; and 104-00-027 Rev A except in respect of the proposed dormer windows.
- 6) No development shall take place until plans have been submitted to and approved by the local planning authority in writing of the velux roof windows on the front elevation of the proposed building which are to be provided in substitution of the dormer windows referred to in the above condition. Development shall be carried out in accordance with these approved plans.