



Appeal Decision

Site visit made on 10 December 2019 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2020

Appeal Ref: APP/Z3635/D/19/3233744

The Outlook, Towpath, Shepperton, TW17 9LJ

- 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 Hall against the decision of Spelthorne Borough Council.
 - The application Ref 19/00364/HOU, dated 13 March 2019, was refused by notice dated 9 May 2019.
 - The development proposed is the erection of a detached open single garage for domestic use.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area;
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the development would be inappropriate development

4. Paragraph 145 of the NPPF states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Saved Policy GB1 of the Local Plan is consistent with this in that it gives a list of forms of development that are not inappropriate. One exception is the extension or
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alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

5. The proposal would comprise the erection of a detached open timber-framed garage with pitched roof within the driveway to the west of the main house. The Council consider that, as the garage would be detached from the house, it cannot constitute an extension, would not fall into any of the other exceptions to Green Belt policy and so would be inappropriate.
6. The appellant refers to the judgment in *Sevenoaks District Council v SSE and Dawe [1997]* which established that a proposed new outbuilding in the Green Belt can potentially be regarded as an extension to a dwelling. However, this is fundamentally a matter of judgement, based on the specific circumstances involved in each case, and this point was recognised in both the appeal decisions provided by the appellant.
7. In this case, although the proposed garage would be sited within the curtilage of the main dwelling and would occupy an area of hardstanding currently used for parking, it would still be set away from the dwelling with a clear visual separation. It would not appear modest as it would have a considerable overall height and wide overhanging eaves. Because of its excessive size, I do not find it would be read as a conventional single garage or normal domestic adjunct, and notwithstanding the pre-application discussions, I consider that the proposal cannot be considered as an extension.
8. I note the other appeal decisions provided by the appellant. However, I have not been provided with the full details of those schemes and therefore cannot attest the extent to which they are comparable. In any case, each proposal should be assessed on its own merits and this is the approach I have adopted.
9. On the basis that the proposed garage does not meet any of the exceptions outlined in Paragraph 145(c) of the NPPF or Policy GB1, as detailed above. I therefore find the proposal is inappropriate development in the Green Belt and would conflict with the NPPF.

Openness

10. Openness is identified in the NPPF as one of the Green Belt's essential characteristics. The additional built form in an undeveloped part of the curtilage would materially impact on openness in a spatial aspect. Furthermore, the significant height of the roof ridge, plus the prominent position of the building on a bend in the road, means the proposal would also have a greater visual impact on the openness of the Green Belt when seen from Towpath. The spatial and visual impact on openness would result in significant harm to the Green Belt.

Character and appearance

11. The appeal site is located in an area characterised by detached bungalows fronting the River Thames. To the west of the site lies the Thames Court Public House. On my site visit, I did not observe any large detached outbuildings or garages featured prominently in the street scene.
12. By virtue of the scale and height of the roof, the proposal would appear excessively large and would dominate the street scene. Indeed, being located on a bend in the road it would not appear set back and would be particularly

visually intrusive. Although the appellant states that the building would be of a domestic scale and would be subservient to the existing dwelling, it would be greater in height than some other dwellings in the immediate area. It would also be bulkier, taller and more dominant than the other small outbuildings and garages along Towpath.

13. I concur that the architectural approach which draws on riverside boathouses is well thought-out and the use of open louvred timber cladding would give the building a pleasant and distinctive look. I also recognise the retained tree behind the garage would provide a pleasant visual backdrop to the development. However, the height and prominence of the proposal would be obtrusive and detract from the character of the area and riverfront setting.
14. The proposal would therefore fail to preserve the character and appearance of area. It would conflict with policies EN1 and EN9 of the Core Strategy which together seek to ensure proposals are well designed and contribute positively to the character and appearance of the surrounding area in which they lie.

Other considerations

15. The NPPF states that inappropriate development should not be approved except in very special circumstances, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this regard, I have not been provided with any other considerations which weigh in favour of the development.

Planning Balance and Overall Conclusion

16. I consider that the development causes harm to the Green Belt by way of its inappropriateness and to its openness, and substantial weight should be given to these harms. It also would fail to preserve the character and appearance of the area. There are no benefits which would clearly outweigh those harms. I conclude therefore there are no very special circumstances to justify the development.

Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR