The Planning Inspectorate

Appeal Decision

Site visit made on 1 September 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2020

Appeal Ref: APP/L3625/D/20/3250373
Daymer Cottage, 47 Reigate Road, Hookwood RH6 0HL

- 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 N Baly against the decision of Reigate & Banstead Borough Council.
- The application Ref 20/00137/HHOLD, dated 23 January 2020, was refused by notice dated 16 March 2020.
- The development proposed is construction of detached double garage.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and,
    - The effect of the proposal on the openness of the Green Belt; and,
    - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Inappropriate development

3. The appeal site is located within the Green Belt. The Framework in paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a list of specific exceptions. Policy NHE5 of the Reigate & Banstead Local Plan Development Management Plan Adopted September 2019 (the DMP) and Policy CS3 of the Reigate and Banstead Local Plan: Core Strategy Adopted July 2014 (the Core Strategy) conform to the thrust of national Green Belt policies in these respects.

4. The appellant indicates that the exemption as set out in paragraph 145 c) of the Framework should apply. This states that new buildings within the Green Belt are inappropriate unless any extension or alteration of a building is such that it does not result in disproportionate additions over and above the size of the original building. The Framework defines 'original building' as the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

5. The Framework does not define 'disproportionate additions'. However, Policy NHE5 d) of the DMP states that the following factors will be taken into account: the additional footprint and floor area created by the alteration(s); the massing and bulk of the proposed alteration(s) and resultant building; the height of the proposed alteration(s) and overall height of the resultant building; and, the location, positioning and visual prominence of the proposed alteration(s).

6. The appellant states that the original building had a floor area of about 142 square metres and the existing dwelling has a floor area of around 203 square metres. As such, previous extensions to the dwelling have resulted in an increase in floor area of approximately 42.5% over and above the size of the original building. The proposed garage would measure 6.75 metres by 6.75 metres, which would provide a floor area of around 45 square metres. Therefore, when combined with previous extensions to the original building, the proposal would result in an increase in floor area of around 74.5% over and above the size of the original dwelling.

7. I find that the cumulative increase in floor area of around 74.5% over and above the size of the original dwelling would amount to a substantial increase in size. Furthermore, the proposed garage would appear bulky as a result of its long walls and its tall height of around 5 metres. Notwithstanding the sizeable set-back from the road and the screening provided by the boundary vegetation, the proposed garage would be a prominent feature to the front of the dwelling.

8. Taking these factors together, the proposal would result in disproportionate additions over and above the size of the original building. Accordingly, I conclude that the proposal would be inappropriate development which is by definition harmful to the Green Belt.

Openness

9. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. Openness can be defined as an absence of built form.

10. The visual impact of the proposed garage in the public domain would be limited by its sizeable set-back from the road and the screening provided by boundary vegetation. However, the effect on openness is not just about the degree to which a new building would be visible to the public realm but is also concerned about the spatial aspect of encroachment on openness. The proposed garage would be sited in an open area that is currently free of buildings and therefore it would lead to a loss of the spatial openness of the site. Whilst I note that the proposal would allow parked cars to be hidden, the proposed building would have a greater impact on openness. In this respect, I find that the proposal would cause moderate harm to the openness of the Green Belt.

Other considerations and the Green Belt balance

11. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would be inappropriate development in the Green Belt and would also cause moderate harm to its openness. The Framework makes clear in paragraph 144 that substantial weight should be given to such harm.

12. I appreciate that the proposed garage would provide additional storage space, which is a benefit to the appellant that attracts some weight.

13. The appellant states that a detached garage of a similar size, or larger, positioned either to the side or rear of the property could be erected under permitted development rights. However, I am not aware that a lawful development certificate has been granted for an alternative development. No information has been presented to enable a comparison of potential harm to be made, and in any event, I have assessed the proposal based on the information before me. I therefore give this consideration limited weight.

14. I acknowledge that there are garages at other properties in the area and the proposed detached garage would be in keeping with the character and appearance of the locality. However, the proposal must be assessed against Green Belt policy on its own individual merits, and in this respect I have found that the proposal would not meet the exceptions set out in paragraph 145 of the Framework.

15. There are no refusal reasons relating to matters such as the effect of the proposal on: the character and appearance of the area; the living conditions of the occupiers of neighbouring properties; or highway safety. Furthermore, I note that there were no objections from local residents. However, these factors weigh neutrally and do not amount to considerations in support of the appeal.

16. Overall, the other considerations identified in support of the scheme do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to the Framework and Policy NHE5 of the DMP and Policy CS3 of the Core Strategy which seek to protect the Green Belt.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR