



Appeal Decision

Site visit made on 10 November 2020

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 19/11/2020

Appeal Ref: APP/Y3615/D/20/3255863

Old Oak Cottage, Surrey Gardens, Effingham, Surrey KT24 5HH

- 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 Paul Davies against the decision of Guildford Borough Council.
 - The application Ref: 20/P/00407 dated 28 February 2020, was refused by notice dated 21 April 2020.
 - The development is new garden room.
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Decision

1. The appeal is allowed and planning permission granted for new garden room at Old Oak Cottage, Surrey Gardens, Effingham, Surrey KT24 5HH in accordance with the terms of the application, Ref: 20/P/00407 dated 28 February 2020, and the plans numbered PD20/02/01, PD20/02/02 and PD20/02/03, subject to the following conditions:
 - a) The garden room hereby permitted shall not be used other than for purposes incidental to the residential use of the dwelling known as Old Oak Cottage, Surrey Gardens, Effingham, Surrey KT24 5HH.

Preliminary Matters

2. The garden room has been constructed at the appeal property. As the development had, on the basis of the information provided, been carried out before the date of the application, I shall treat the application as one made under Section 73A of the Town and Country Planning Act 1990 for planning permission for development as carried out, namely a garden room.

Main Issue

3. The main issue in this appeal is the effect of the garden room on the character and appearance of the existing dwelling and local area.

Reasons

4. The appeal property is a two storey, semi-detached dwelling on a long but relatively narrow plot, in a predominantly residential area with woodland to the rear. The garden room is sited towards the rear of the plot and is a single storey building under a pitched roof, with raised decking in front.
5. I agree that the outbuilding is sizeable, particularly in terms of its length and width and therefore overall footprint. However, given its siting towards the rear of the plot, with a generous amount of garden area in between the main house

and the outbuilding, it appears as a domestic outbuilding. The height of the garden room together with the timber cladding also re-enforce its appearance as a domestic outbuilding. Given all these factors related to siting, height and materials it does not in my view compete with the scale and form of the main dwelling and does not appear visually over prominent or out of proportion in relation to the existing dwelling or its plot.

6. There are a number of outbuildings in similar positions at the rear of gardens within surrounding plots, albeit of different forms and sizes. I do not have detailed information before me on each of these. However, although I acknowledge that the garden room at the appeal property may be larger than these other outbuildings, it does not appear out of scale with the general pattern of development in the local area. Given my findings both with regard to the relationship of the garden room with the existing dwelling and plot, as well as being compatible with the general pattern of development in the surrounding area, I am also satisfied that it does not harm the character and appearance of the local area.
7. I therefore conclude that there is no harm to the character and appearance of the existing dwelling and local area from the garden room, as built. There is no conflict with Policies G1 and G5 of the Guildford Local Plan 2003 and the National Planning Policy Framework, especially Section 12, all of which, amongst other things, seek for new development to respect the local context. Although not referenced in the Council's refusal notice, the Council has referred to Policy EH-H7 of the East Horsley Neighbourhood Plan 2018, although it appears that the Policy primarily relates to the development of new dwellings, which is not relevant in this case. Nonetheless I see no conflict with the East Horsley Design Code is so far as it is relevant to this development.
8. Although there is no suggestion that it is currently being used other than in connection with the main house, I do not agree with the concerns raised that the new garden room could become an independent dwelling. The rear access referred to is via woodland and did not appear to me, at the time of my site visit, to offer a means of independent access to the building, sufficient to serve a separate dwelling. Moreover, this issue can be addressed by means of the imposition of an appropriate condition to require the building to remain in use incidental to the main dwelling.
9. Whilst I have sympathy with the Appellant's reasons for seeking the additional space, my decision is based solely on the planning merits of the case.

Conditions and Conclusion

10. As the garden room is already in place, the standard conditions relating to commencement of development, appropriate materials and for the scheme to be built in accordance with the approved plans are not appropriate or necessary. For the avoidance of doubt and in view of the concerns raised, I shall impose a condition to require the use of the garden room to remain incidental to the main dwelling. The Appellant has also confirmed his agreement to a condition which serves the same purpose.

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR