



Appeal Decision

Site visit made on 29 September 2020

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07/12/2020

Appeal Ref: APP/D3640/D/20/3250116

Riverbank House, Castle Grove Road, Chobham, Woking, GU24 8EF

- 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 & Mrs J Winkworth against the decision of Surrey Heath Borough Council.
 - The application Ref 19/0753, dated 6 September 2019, was refused by notice dated 23 December 2019.
 - The development proposed is demolition of existing double garage and erection of replacement in same location.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing double garage and erection of replacement in same location at Riverbank House, Castle Grove Road, Chobham, Woking, GU24 8EF in accordance with the terms of the application, Ref 19/0753, dated 6 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: L363/68 Rev A and L363/67 Rev C.
 - 3) The materials to be used in the construction of the external surfaces of the garage hereby permitted shall match those used in the existing building.
 - 4) The proposed development shall be implemented in accordance with the BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement (Ref. 7th March 2020 – BJU/mmi) unless the prior written approval has been obtained from the local planning authority. The tree protection measures shall be retained until completion of all works hereby permitted.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposed development constitutes inappropriate development in the Green Belt,
 - Its effect on the openness of the Green Belt,

- The effect of the proposal on the trees;
- The effect of the proposal on flood risk;
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposed development constitutes inappropriate development in the Green Belt

3. The proposal is for the erection of a detached garage with roof accommodation, following the demolition of the existing garage. The proposed garage would be in the same location as the existing garage to be demolished. Whilst the garage would be to the front of the existing dwelling on the site, the site is well screened from Castle Grove Road by a high brick wall and conifer hedging.
4. The National Planning Policy Framework (the Framework) states that a local planning authority should regard construction of new buildings as inappropriate in the Green Belt. This is subject to the exceptions listed in the Framework which include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
5. The term 'materially larger' is not defined within the Framework. Whilst the Council state that normally a 30% increase in floor space and volume is the maximum increase considered acceptable, I have not been referred to any relevant Local Plan policy or supplementary planning document that refers to such a limit.
6. The Council and the appellant agree that the increase in footprint compared to the existing building would be 32%. It is also agreed by the parties that the increase in height would amount to 0.3 metres. Whilst the Council state that the increase in floor space would amount to a 124% increase, the appellants consider this to be misleading as they consider the internal arrangement of the building has no direct impact on the openness of the Green Belt and that the Council also failed to take into account an existing storage area in the roofspace of the existing structure. The Council also state that the increase in volume would amount to 46%.
7. The proposal would result in a relatively modest increase in width and overall footprint compared to the existing building. Whilst the replacement garage would have a higher eaves and ridge height than the existing structure, the proposed increase in height would not be particularly apparent and would not materially change the scale of the building. There would be a more significant increase in floor space, however much of this would be within the roofspace of the building and as such, would not contribute significantly to its external dimensions. Furthermore, the area within the roof space would be discretely served by small window openings which do not add to the bulk to the building. Having regard to the size of the existing garage, I find that the height, scale, bulk and mass of the proposed building would not result in a building that is materially larger than the one it replaces.

8. The Council refer to the cumulative impact of successive development permitted in respect of the application site although precise details have not been provided. In any event, this approach is not supported by the Framework and I therefore afford it only limited weight.
9. In conclusion, the proposal would comply with paragraph 145 (d) of the Framework and accordingly would not constitute inappropriate development. In such circumstances, it is not necessary to consider its impact on openness further and the need for very special circumstances required by the Framework does not arise.

The effect of the proposal on trees

10. Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 requires (among other things) that development should be designed to protect trees and other vegetation worthy of retention and provide high quality hard and soft landscaping where appropriate. The appeal is accompanied by a Tree Constraints, Tree Impacts and Tree Protection Method Statement.
11. There are several mature trees close to the garage, both within and adjacent to the site. The information submitted advises that the proposed garage would involve removal of two Leylandi stems and would extend into the RPA of an oak tree. Accordingly, the statement recommends a shallow garage floor slab supported by mini screw piles. If carried out the statement confirms that this will increase the oak tree's rooting potential. Tree protection and temporary ground protection is also recommended.
12. On the basis of the above evidence I am satisfied that the proposal would not have a harmful effect on any trees or other vegetation worthy of retention and would comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 in this regard.

Flood risk

13. The proposal falls within flood zone 3. A site-specific flood risk assessment (FRA) has now been submitted as required by paragraph 164 of the Framework. The FRA states that the proposals are to keep the garage floor at the existing level and the garage is to be constructed in a flood resilient manner to allow recovery from flooding. The FRA states that the development can adhere to the EA flood risk standing advice and confirms that it is likely that there will be a negligible change in existing conditions, and risk should not increase from existing as a result of the proposed development.
14. Accordingly, I am satisfied that the proposed development would not have a harmful effect in terms of flood risk. As such, the proposal complies with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 which requires that development proposals are at least flood neutral.

Conditions

15. I have had regard to the conditions suggested by the Council. A condition requiring the development to be carried out in accordance with the approved plans is necessary for clarity. I have imposed a condition requiring materials to match those of the existing building to ensure a satisfactory external

appearance. A condition requiring the development to be implemented in accordance with the Tree Constraints, Tree Impacts and Tree Protection Method is also necessary to ensure the protection of retained trees.

Conclusion

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

J Davis

INSPECTOR