



Appeal Decision

Site visit made on 12 July 2021

by **P D Sedgwick BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/Q3630/D/21/3270242

Cosgrove, Coopers Hill Lane, Englefield Green, Egham, TW20 0JY

- 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 Cahill against the decision of Runnymede Borough Council.
 - The application Ref RU.20/1471, dated 15 October 2020, was refused by notice dated 15 December 2020.
 - The development proposed is proposed detached cart shed garage/store to replace existing garage. Removal of Ash Tree & Holly.
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Decision

1. The appeal is allowed and planning permission is granted for proposed detached cart shed garage/store to replace existing garage. Removal of Ash Tree & Holly at Cosgrove, Coopers Hill Lane, Englefield Green, Egham, TW20 0JY in accordance with the terms of the application, Ref RU.20/1471, dated 15 October 2020, subject to the conditions set out in the attached Schedule.

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 and any relevant development plan policies, and the effect of the proposal on the openness of the Green Belt; and
 - if there would be harm by reason of inappropriateness, and any other harm, whether the harm would be clearly outweighed by other considerations to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

3. The appeal site is located within the Green Belt. Paragraph 149 of the National Planning Policy Framework (2021) (the Framework) states that construction of new buildings within the Green Belt is inappropriate development unless the development falls within specified exceptions. One such example listed is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy EE14 of the Runnymede 2030 Local Plan (adopted July 2020) (LP) aligns with the Framework in this matter.

4. The proposed garage would cover nearly double the area of the existing one, increasing the floorspace from approximately 18 sqm to approximately 33 sqm and would be approximately 1 metre higher. As such it would be materially larger than the garage it would replace and amount to inappropriate development in the Green Belt. I therefore attach substantial weight to the harm that would be caused.

Effect on openness

5. Paragraph 137 of the Framework identifies the essential characteristics of the Green Belt as being its openness and permanence. Cosgrove is one of a group of houses set back from Coopers Hill Lane behind a deep grass verge and long shared boundary wall. Mature trees just behind the wall largely obscure public views of the houses except where accesses from the road provide a break in the wall. Most of the trees, including a group to the front of Cosgrove and neighbouring houses, are protected by tree preservation orders. Consequently, the existing garage is screened from the road and can only be seen when passing immediately in front of it along the drive to the host property and neighbouring house. The proposed development would be similarly screened despite the removal of 2 trees adjacent to the existing garage. The increase in the building footprint would be insignificant in terms of encroachment into the countryside and there would be a negligible visual impact. The effect on openness in the Green Belt would be minimal.
6. I conclude on this main issue that the proposed development would represent a materially larger building than the one it would replace and as such would be inappropriate development within the Green Belt. Its harm to openness would be minimal. Nonetheless, the proposed development would be contrary to policy EE14 of the LP.

Other considerations

7. Cosgrove lies in the Englefield Green Conservation Area (CA). According to the appellant's design and access statement, the house is Victorian, built in the 1870s, and was part of a larger property to accommodate staff at an engineering college which later became part of Brunel University. It, along with other properties along the north of Coopers Hill Lane, was added to the CA to retain the local character. As such, it contributes to the character and appearance, and therefore the significance, of the CA.
8. The existing garage is close to the house. It is dilapidated with the felt roof collapsing and the wooden doors rotting. As such it detracts from the setting of the building and thus the character and appearance of the CA. I agree with the Council's assessment that the proposed development would enhance the character of the CA and thus comply with policies EE1 and EE5 of the LP. I have also had regard to the guidance in paragraph 206 of the Framework which advises that proposals that make a positive contribution to heritage assets should be treated favourably. Consequently, I attach substantial weight to the benefit that would arise from the proposal in this regard.
9. Overall, I find that the proposal would be inappropriate development in the Green Belt. In line with the Framework, I afford substantial weight to the harm caused by reason of inappropriateness. However, I find that the other considerations in this case outweigh the harm that I have identified. Looking at

the case as a whole, I consider that very special circumstances exist which justify the development.

Conditions

10. The 3 year period in which the planning permission may be implemented is a statutory requirement and a condition specifying the approved plans, is necessary in the interests of clarity. I have also considered the conditions suggested by the Council. A condition preventing a start to development until a Tree Protection Plan has been approved, and other conditions regarding trees, are necessary to protect them, and biodiversity, and the appearance of the area. The appellant has agreed to the list of conditions proposed by the Council.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

P D Sedgwick

INSPECTOR

Schedule of 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: Cahill Rev B, Site Location And Block Plans. Plan & Elevations of Existing Garage to Be Demolished and Drg No L-01.
- 3) The development hereby permitted shall be constructed entirely of the materials, details of which are shown on plan no. Cahill Rev B.
- 4) Prior to the commencement of any works hereby approved, including demolition, and before any equipment, machinery or materials are brought on to the site, an updated Tree Protection Plan shall be submitted to the Local Planning Authority for approval and then subsequently approved. Tree protective measures shall be installed in accordance with the Tree Protection Plan. Once in place, photographic evidence of the protective measures shall be submitted to the Local Planning Authority (LPA) for approval.

The works shall be carried out in accordance with the approved protection plan and method statement. The protective measures shall remain in place until all works are complete and all machinery and materials have finally left site. Nothing shall be stored or placed in any area fenced in accordance with this condition, nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access, other than that detailed within the approved plans, be made without the written consent of the LPA.

There shall be no burning within six metres of the canopy of any retained tree). Where the approved protective measures and methods are not employed or are inadequately employed or any other requirements of this condition are not adhered to, remediation measures, to a specification agreed in writing by the

LPA, shall take place prior to first occupation of the development, unless the LPA gives written consent to any variation.

- 5) Details and plans of new trees to be planted to replace the felled trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) prior to the commencement of the above ground construction of the development hereby permitted and these works shall be carried out as approved prior to the first occupation of the development. Once planted, photographic evidence of the new trees shall be submitted to the LPA for approval.

Any new trees, or any replacement trees planted as a requirement of the conditions herein, which before the expiration of five years from the date of completion of the development, are removed, or become seriously damaged or defective, shall be replaced as soon as practicable with others of suitable size and species, following consultation with the LPA, unless the LPA gives written consent to any variation.

*****End of Conditions*****