



Appeal Decision

Site visit made on 23 January 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2023

Appeal Ref: APP/Y3615/D/22/3301521

Skyfall, 15 Bennett Way, West Clandon, Guildford, GU4 7TN.

- 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 P Christian against the decision of Guildford Borough Council.
 - The application Ref.21/P/01780, dated 11 August 2021, was refused by notice dated 25 April 2022.
 - The development proposed is the erection of an oak frame car port.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an oak frame car port, at Skyfall, 15 Bennett Way, West Clandon, Guildford, GU4 7TN, as set out in application Ref.21/P/01780, dated 11 August 2021, and the plans submitted with it, 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 materials to be used on the roof of the car port shall match those used in the existing house.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans – AAL-21-180-PO1; A101 Rev A.

Main Issue

2. The main issue is whether the proposed car port constitutes 'inappropriate development' in the Green Belt

Reasons

Background

3. The appeal site is a detached house and its garden which lies at the end of a short cul-de-sac of similar properties within the village of West Clandon which also forms part of the Green Belt. It is apparent that the house was originally built with an integral garage but, following a specific grant of permission, this was converted into habitable space because of the appellant's need to work from home as a result of changes brought about by Covid regulations. It is proposed to erect an oak framed open car port at the front of the property. This would have timber clad elevations and a plain tiled roof. The Council accepts that the scale, design and materials of the proposal are appropriate for

the area and the siting would not affect an adjacent protected mature tree. The sole issue is the effect on the Green Belt.

Whether inappropriate development

4. The National Planning Policy Framework indicates in paragraph 149 that the erection of a new building in the Green Belt should be regarded as 'inappropriate development' unless it falls within one of the exceptions listed. The one relevant to this case is (c) involving an extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling.
5. Moreover in the case of *Storer and Lowe*¹ the High Court held that paragraph 149 (c) "... is not to be interpreted as being confined to physically attached structures but that an extension for the purposes of that provision can include structures which are physically detached from the building of which they are an extension."
6. The relevant Policy P2 of the Guildford Borough Local Plan relies on the definition of inappropriate development set out in the Framework and also defines 'original building' in the same way as the Glossary to the Framework.
7. It appears to me that the original building of Skyfall is as it exists now. The appellant refers to a different car port being considered to the side of the property as 'permitted development' but this had not been erected at the time of my visit. Taking account of the overall scale, size and proportions of the dwellinghouse and the size, siting and close proximity of the proposed car port I am satisfied that it would not result in a disproportionate addition over and above the size of the original dwelling. As such the proposal would meet the terms of Paragraph 149(c) and Policy P2 and is not 'inappropriate development'.
8. The general accord with national and development plan policy is not outweighed by any other considerations and therefore the appeal should be allowed.
9. The Council recommends standard conditions concerning the implementation of the permission; materials to match the existing dwelling house; and accord with the submitted plans. These are reasonable and necessary in the interests of maintaining the appearance of the area and I will impose them with a minor change to the condition on materials given that timber elevations are proposed on the car port.

Conclusion

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

David Murray

INSPECTOR

¹ Warwick DC v SSLUHC, Mr J Storer and Mrs A Lowe [2022] EWHC 2145 (Admin)