



Appeal Decisions

Site visit made on 18 May 2023

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 5 June 2023

Appeal A Ref: APP/R3650/C/22/3300025

2 The Reeds, Tilford, FARNHAM, Surrey, GU10 2DJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mrs Stephanie Houston against an enforcement notice issued by Waverley Borough Council.
- The notice, numbered EN/2022/05 was issued on 28 March 2022.
- The breach of planning control as alleged in the notice is without planning permission, the erection of extensions and alterations to a dwelling house ("the Dwelling House")
- The Dwelling House is located in the approximate position marked 'A' on the attached plan.
- The requirements of the notice are: (i) Either remove from the Dwelling House all alterations and extensions erected after 06/11/2019 or alter the dwelling to comply with the terms of the planning permission WA/2019/1879 dated 24 January 2020 including the conditions subject to which that permission was granted. (ii) Remove from the Land all materials resulting from the above step.
- The period for compliance with the requirements is: 1 year.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
- A similar appeal B (3300026) has been made by Mr Peter McKeown without the ground (a).

Appeal C Ref: APP/R3650/W/22/3304855

2 The Reeds, Tilford, FARNHAM, GU10 2DJ

- 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 Mrs Stephanie Houston against the decision of Waverley Borough Council.
- The application Ref WA/2021/01616, dated 30 April 2021, was refused by notice dated 20 May 2022.
- The development proposed is alterations to the existing access/driveway/track to 2 The Reeds, Reeds Road, Tilford, Surrey, GU10 2DJ.

Appeal D Ref: APP/R3650/W/22/3305381

2 The Reeds, Tilford, FARNHAM, GU10 2DJ

- 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 Mrs Stephanie Houston against the decision of Waverley Borough Council.
- The application Ref WA/2021/01663, dated 30 March 2021, was refused by notice dated 26 May 2022.
- The development proposed is erection of an ancillary building at 2 The Reeds, Tilford, Surrey, GU10 2DJ.

Decision

Appeals A & B – 3300025 & 3300026

1. The appeals are allowed, the enforcement notice is quashed and planning permission on Appeal A is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of extensions and alterations to a dwelling house at 2 The Reeds, Tilford, Farnham, Surrey, GU10 2DJ as shown on the plan attached to the notice and subject to the following conditions:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development as defined within Part 1 of Schedule 2, Class B and C of that order, shall be carried out on the site.
 - 2) The first-floor window in the south-eastern elevation shall be fixed shut to a height of 1.7m and glazed with obscure glazing to the extent that intervisibility is excluded and shall be retained.

Appeal C – 3304855

2. The appeal is allowed and planning permission is granted for alterations to the existing access/driveway/track to 2 The Reeds, Reeds Road, Tilford, Farnham, Surrey, GU10 2DJ in accordance with the terms of the application, Ref WA/2021/01616, dated 30 April 2021, subject to the following conditions:
 - 1) Notwithstanding any plans submitted with the application this permission relates solely to plan 21/5620 dated April 2021 and authorises the track labelled on the plan as "hardstanding" from The Reeds Road as far as the parking area labelled hardstanding and bounded by the "sleeper retain".
 - 2) The remaining length of track between the parking area and the dwelling (except for that to be used as a footpath) shall be removed, the soil ameliorated and laid to grass within 6 months of the date of this decision.

Appeal D – 3305381

3. The appeal is allowed and planning permission is granted for erection of an ancillary building at 2 The Reeds, Tilford, Farnham, Surrey, GU10 2DJ in accordance with the terms of the application, Ref WA/2021/01663, dated 30 March 2021, subject to the following condition:
 - 1) The outbuildings identified as 'poly tunnel' and metal shed' on drawing 1560/P-201 shall be demolished and all demolition materials removed from the site within 3 months of the date of permission granted. Evidence of the removal of the two outbuildings shall be submitted to the Local Authority within the same time period.

Applications for costs

4. Applications have been made by the appellant for Appeal C and Appeal D and are dealt with in a separate letter.

Preliminary Matters

5. In 2020 the Council granted planning permission for extension and alteration to the house at 2 The Reeds. For various reasons the development was not carried out in accordance with the plans. An application (WA/2021/01644) was made to regularise the works and was refused. The sole reason for refusal was that the extensions were disproportionate in the green belt and so contrary to RE2. No appeal was made which has led to the issue of the enforcement notice. The ground (a) appeal seeks to regularise what has been built. Two further planning applications for different developments at the site, alterations to the access track and a new outbuilding were also refused and are subject to 2 further appeals.

Appeal A - 3300025

6. No2 is one of a pair of semi-detached houses which stand somewhat isolated down a track off The Reeds Road. The track also provides access to a small scatter of other houses including one beyond the site that takes its main access from The Reeds Road itself. Although they are semi-detached the houses are not a pair, and before the current development, No1 was considerably larger and it remains dominant even now. The pair front directly onto the track but have large rear gardens. That at the appeal site includes an area of woodland through which a track has been constructed to provide vehicular access to The Reeds Road. This track is subject to appeal C.
7. The history of the build to No2 is somewhat in dispute, but regardless of how the builders managed to do what they did, there is no dispute that the new extended house is larger than it should have been. The appellants measurements are that the extension is 24cm wider, 23cm deeper at the front and back and 31cm taller to the ridge (of the new 2 story section) than it ought to be. I agree with the Council these are not just de minimis building errors but culminate in a building that is materially larger than that which was granted planning permission. In addition, the rear roof slope of the new 2 storey element of the extension should have been hipped but is now a gable.
8. No harm to the AONB has been identified or to neighbour's amenities (although I shall deal with this separately later), so the main issue is whether as built the extension is contrary to policy DM14 and so is inappropriate development in the green belt. DM14 allows for extensions to dwellings in the green belt as long as the extension is not disproportionate to the size of the original dwelling. It goes on to say that disproportionality is assessed by taking into account external floor area and the form, bulk and height of the proposal when compared to the original dwelling. In the explanation of the policy 40% is a guideline for the sort of increase that would be likely to be acceptable. But, given the actual policy wording a larger increase could be considered acceptable or a smaller one not so, given the form, bulk etc of the original dwelling. This is a sensible policy that allows for judgement as to what is actually reasonable given that the purpose of the policy is to protect the green belt and the purpose of the green belt is to prevent urban sprawl, the merging of villages, encroachment into the countryside and so on.
9. In this case none of the purposes of including land in the green belt are harmed by the marginal increase in the size of the development so it is difficult to see what harm to the green belt has been caused. Turning to the policy wording itself, the Council point out the new floor area is 55% bigger than the original

dwelling, considerably in excess of the 40% guideline. This is true, but I think the form and bulk of the pair of semis needs to be taken into account when considering disproportionality. The new extension is still lower than the original ridge line and as a pair No2 is still subservient to No1, although it is now better proportioned as before No1 was somewhat over-dominant. From the west the new gable ended roof is taller than proposed and with the thin, tall window does look somewhat over-large, but that is accentuated by the slope in the ground away from the house. From other angles, including from outside the site on the track, the appearance is in keeping in terms of scale and design.

10. Taking all this together, despite the fact that 55% is considerably larger than the guideline, I do not believe the extension as built is a disproportionate addition to the host dwelling and so is not inappropriate development in the green belt.
11. It follows from the above that I do not consider the design is intrusive in the landscape or detracts from the rural character of the area. Nor could I see how it had led to any materially different overlooking than before. The original design had a large window in a small gable nearest to No1, which replaced an existing window. The as-built gable is slightly taller but the window itself is not materially different and so allows no more overlooking of No1's back garden than before. I also noted the already substantial conifer hedge that separates the 2 gardens has grown taller and effectively blocks any views into the garden of No1. The tall window with a Juliet balcony on the west elevation was always proposed and again the as-built window is only marginally different so there is no harm to the amenities of the neighbours in that direction by way of overlooking. As I saw, opportunities for overlooking were distant and not harmful. There is an extra Velux window but that is on the inwards facing slope of the 2 storey extension and has no effect on design or overlooking. The bathroom window is already opaque as required.
12. I shall allow the appeal on ground (a) and grant planning permission for the development. I shall include the conditions suggested by the Council to prevent further extensions, in order to protect the green belt and the character of the dwelling and the area, and to ensure the bathroom window remains opaque.

Appeal C – 3304855

13. The track runs from The Reeds Road downhill through an area of woodland into the back garden of No2. At the top of the garden a hardstanding has been created which was used for parking of vehicles associated with the building works. The track extends beyond this roughly half-way across the lawn to the house then peters out into a footpath leading to the house. At the bottom of the footpath the ground is higher than the house and it is proposed to create a turning head/parking area here connected to the rest of the drive using no-dig methods. A parking area by the house has already been removed and it is further intended to remove the existing parking area at the top of the garden.
14. The main issue raised by some local residents is that there was never a track in the first place, at best a muddy path. However, photographs suggest there was a track, albeit one that was not surfaced, and other locals have written to confirm that. As long as the track is not extended or widened then it can be maintained or improved using permitted development rights granted by Class E of Part 9 of Schedule 2 of the General Permitted Development (England) Order

2015 as this would be a 'private way' for the purposes of the GPDO. The Council were clearly satisfied the track existed and had simply been improved and there was an arboricultural report that confirmed there was no loss of trees or harm to tree roots. Even now the track is hardly visible and is similar to the track providing access to one of the neighbours a few metres further along The Reeds Road. It is difficult to see what possible harm to the AONB or green belt there could be.

15. However, the same is not the case where the track crosses the garden. Here the evidence for anything more than a path is scanty and unconvincing. Currently, the track leads to a parking area that has been cut into the slope half way up and roughly central in the garden. But it is proposed to remove this and create a parking area closer to the house and adjacent to the boundary with No1. This would introduce parking right up against the back of No1 which would, in my view, be likely to harm their amenity in terms of introducing noise and disturbance.
16. The creation of a hardstanding at the back of the house is permitted development under Class F of Part 1 of the GPDO, but as I consider the track in the lower part of the garden would be new then that would require planning permission. Given my concerns as to noise and disturbance to No1 this would be unacceptable, particularly when there is a perfectly serviceable parking area which is much further away from No1. Although possibly not as convenient for the appellants this seems a reasonable compromise. I shall grant planning permission for the track as existing as far as the existing hardstanding but require the removal of the track where it extends towards the house. The existing footpath is not affected and this can be extended to the retained parking area if necessary. The resulting track and parking area would not be in conflict with any of the Council's policies.

Appeal D – 3305381

17. The ancillary building is essentially a largeish garden shed. It would not normally require planning permission as it would be permitted development under Class E of Part 1 of the GPDO. However, because the site lies in the AONB, it is caught by various limitations within Class E preventing buildings being erected between a side wall and the boundary or further than 20m from the rear wall and exceeding 10sqm. Consequently, the shed requires planning permission and as it does not fall within any of the exceptions outlined in paragraph 149 of the NPPF is inappropriate development in the green belt. It therefore should only be allowed if there are very special circumstances.
18. In this case, however, there are very special circumstances. It seems to me the appellant is correct in that the shed could be relocated to be within 20m of the rear wall and so be permitted development. At present it is tucked away in a corner of the garden that is well screened by vegetation and more or less out of sight. It is next to a run-down poly tunnel and a metal shed. The appellant has offered to remove these if granted planning permission for the shed, which would marginally increase the openness of the green belt. Council officers were content that this latter offer was sufficient to amount to very special circumstances as there would be an improvement in openness, which is a key aspect of the green belt. I agree, but I also think there is a valid permitted development fallback which adds further weight. Consequently, as long as a condition is added to require the removal of the poly tunnel and metal shed

then there would be very special circumstances to enable the green belt objection to be set aside. As there are no other objections and no other harm, the shed is in accord with the Council's policies and I shall grant planning permission for the shed where it is.

19. No other conditions are necessary. The building can only be used as ancillary to the main dwelling, any other uses would require planning permission. As it is only a garden shed to require an Ecological Enhancement Plan would not be proportionate.

Simon Hand

INSPECTOR