



Appeal Decision

Site visit made on 24 July 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2023

Appeal Ref: APP/D3640/D/22/3311890

Pond House, Castle Grove Road, Chobham, Woking, Surrey GU24 8EE

- 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 James Phillips of Prime Oak Ltd against the decision of Surrey Heath Borough Council.
- The application Ref 22/0468/FFU, dated 11 May 2022, was refused by notice dated 7 September 2022.
- The development proposed is the erection of a detached, oak-framed car port.

Decision

1. The appeal is dismissed.

Main Issues

2. The main parties have not put forward any relevant development plan policies in relation to the reasons for refusal, referring only to the National Planning Policy Framework (the Framework). Therefore, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework;
 - the effect it has upon the openness of the Green Belt; and
 - if the development is inappropriate whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstance necessary to justify the development.

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. Paragraphs 149 of the Framework sets out when a new building in the Green Belt would not be inappropriate providing 7 specific exceptions. The main parties agree that the proposal would constitute an adjunct to the appeal dwelling and therefore should be considered as an extension to the existing building under Paragraph 149 c). There is nothing before me to conclude the proposal should be considered otherwise.
4. Paragraph 149 c) requires that the extension or alteration does not result in disproportionate additions over and above the size of the original building. In this context the Council have relied on a mathematical calculation to assess the physical increase in volume of that proposed and any previous extensions, would have to the original building. Nevertheless, what constitutes a disproportionate addition is not prescribed in the Framework and there is no

evidence or policy before me to support the use of such a calculation. Therefore, it is necessary to look at the physical characteristics of the appeal building and that proposed.

5. The appeal building is a large 2 storey detached dwelling on a substantial plot. To one side and extending backwards is a single storey extension. The proposal would constitute an open sided carport to the front of the existing single storey extension. This position would be forward of the main part of the appeal building and would harm the existing balance between original building and extension. It would have a dominating effect on the frontage so would not have a subsidiary relationship with the original building.
6. The permanency of the proposed development's design and relatively heavy roof form would emphasise its bulk and negate the visual permeability created by the proposed open sides. In accumulation with the forward location, the proposal would fail to retain the sense and character of the original building, unbalancing its overall proportions and form. It would, therefore, constitute a disproportionate addition.
7. Consequently, that proposed would be inappropriate development within the Green Belt. As set out in paragraph 147 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

8. The location of the proposed development, forward of the existing building and the adjacent property, is in an area of the site which is open and visible from the road. Therefore, the proposal would be visually apparent when passing the property or turning into Broadford Lane. It would reduce the visual separation between the appeal property and adjacent dwelling when viewed from this location, which would reduce the visual openness of this part of the site.
9. Furthermore, as openness also has a spatial aspect, the location forward of the existing building would physically encroach into an otherwise open area between the property and the road. I therefore find the proposal would have a harmful effect on openness both visually and spatially.

Other considerations

10. Pond House is a grade II listed building, and it is acknowledged that the Council and appellant do not consider that the proposal would have a harmful effect on its setting. With nothing before me contradicting this position, I have drawn the same conclusion. However, a lack of harm is, by definition, a neutral factor therefore, cannot weigh for or against the proposal. The lack of harm in relation to design, character and appearance, amenity of neighbours, trees, and the use of the site, would also constitute neutral factors.
11. The appellant the proposal would be less impacting than a solid sided building, and that it would 'tidy up' the site by providing clear and orderly parking bays. However, there is no mechanism before me which would limit the occupants use of the site to facilitate the 'tidy up' effect proposed. Nor is there any detail as to how the proposal would be less harmful spatially to the openness of the Green Belt than a solid sided building in the same location. I, therefore, only attribute limited weight to these proposed benefits.

12. The appellant has also referred to the purposes of the Green Belt as set out in Paragraph 138 of the Framework. The Council although referring to Paragraph 138 in the reason for refusal, has not sought to argue that any of the purposes of the Green Belt are compromised. However, this does not alter my view that the proposal would harm openness, an essential characteristic of the Green Belt as set out in Paragraph 137.

Planning Balance and Conclusion

13. The proposal is inappropriate development in the Green Belt and would harm openness. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. The other considerations discussed above do not clearly outweigh this harm, so do not constitute the very special circumstances necessary to justify the development. Consequently, the appeal is dismissed.

RJ Redford

INSPECTOR