



Appeal Decision

Site visit made on 19 March 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24.04.2024

Appeal Ref: APP/M3645/D/23/3335021

Ravello, Upper Court Road, Woldingham, Surrey CR3 7BF

- 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 Colum D'Auria against the decision of Tandridge District Council.
 - The application Ref TA/2023/271, dated 3 March 2023, was refused by notice dated 16 October 2023.
 - The proposed development is for the demolition of existing 2 car garage and erection of a new 3 car garage with home working space and terrace above and sliding steel gate and side fences at the entrance to the property at Upper Court Road.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- whether the proposal constitutes inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2023 (the Framework) and any relevant development plan policies;
- the effect of the proposal on the openness of the Green Belt;
- the effect of the proposed development on the character and appearance of the site and surrounding area; and
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The appeal site comprises a two-storey, detached house with off-street parking on the driveway to the front. The local neighbourhood is predominantly residential in nature set in wider countryside of fields and woodland.
4. Paragraph 154 of the Framework states the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. Policy DP14 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (LP) states that new ancillary domestic buildings in the curtilage of dwellings in the Green Belt will

be permitted provided they meet four criteria. The Council has provided me with a copy of the policy; I have also sought comments from the Authority however none have been supplied. Having read carefully the preamble and the policy wording, together with the appellant's submissions in this respect, I am satisfied that this is the correct policy in the consideration of the appeal scheme before me.

5. At some 75 square metres, the footprint of the proposed outbuilding would be sizeable, with its depth being almost as great as that of the main house. In addition, the proposed ridge and eaves heights would be considerable compared to those of the existing outbuilding.
6. I find the proposal would be a dominant feature and that it would be excessive in size having regard to the size of the dwelling it would serve, notwithstanding the extent of the site. Consequently, even though it would not replace any existing garage that has been converted to residential use, and whether or not its purpose would be fully incidental to the enjoyment of the dwelling, the proposal would not satisfy the first criterion in Policy DP14 of LP. As such, this would represent inappropriate development within the Green Belt and would not benefit from any of the exceptions in paragraph 154 of the Framework. I deal with the impact on rural character and appearance below.
7. Exception (c) of Framework paragraph 154 is for the extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building. The appellant has not disputed the Council's assessment that the proposal would result in an approximate 71% increase in the volume of the building. Considered alongside the form and bulk of the proposed extension, this would result in a disproportionate addition to the original building. Therefore, even if a proposal that also involves the formation of a new outbuilding could be considered to fall within the scope of exception (c), the extent of extensions mean that this proposal would not.
8. Paragraph 154 of the Framework sets out the limited purposes for which the construction of buildings will not be considered inappropriate. This does not include the construction of gates, walls and fences. Certain other forms of development are not inappropriate providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within Green Belt (paragraph 155). Again this does not include the construction of gates and fences.
9. For the above reasons, I conclude the new outbuilding and entrance gate would be inappropriate development in the Green Belt, contrary to Policies DP10 and DP14 of LP and paragraph 154 of the Framework.

Openness

10. Openness can be perceived spatially and visually. By occupying space that is currently undeveloped, the replacement outbuilding would inevitably reduce the spatial openness of the site. Visually, the proposal would be seen from open land surrounding the site and from the public highway, despite the presence of some existing planting adjacent to Upper Court Road. The depth and height of the proposed building would also restrict appreciation of openness through the current gap between the dwelling and the existing outbuilding, especially at first floor level. Overall, I find there would be considerable harm in this respect.

11. In spatial terms, the new gate and side fences would provide a quantum of built development that does not currently exist on site, which would have a limited adverse impact. With regard to the visual aspect, the development would be clearly visible from public views along Upper Court Road. The site itself occupies a residential area, which contrasts with the much less developed open spaces in the wider surrounds. As such, in visual terms I conclude that the gate and side fences would have a modest, but nonetheless clearly discernible effect on the openness of the Green Belt.

Character and appearance

12. Whilst I acknowledge its somewhat run-down appearance and condition, the existing garage on the site is low level and diminutive in scale, hunkered down into the land. It is visible in oblique views from Upper Court Road.
13. Conversely, the replacement scheme would be substantial in size with accommodation at first floor level. The height and overall extent would become more evident from the public highway than the current garage, and make it appear overly dominant when compared with the host property, competing with its scale and failing to appear subservient in nature. The incorporation of various elements including a terrace with railings, a side dormer window and a front-facing Juliet balcony would seem at odds with the simple form of the existing outbuilding.
14. Policy DP9 of the LP relates to gates, fences, walls and other means of enclosure and states, amongst other things, that proposals must not result in adverse effects on the character and appearance of the locality by reason of scale or the materials used.
15. The proposed gate and side fences would be evident from the road and would appear as a conspicuous visual addition within the setting. The prominence of the elements would be exacerbated due to the raised ground level of the appeal site compared to that of the road; the excessive height along with the hard, urban appearance would be out of keeping with the green and verdant nature of the surrounding area. They would therefore be incongruous features within the streetscene to the detriment of the character and appearance of the locale.
16. I conclude that the proposed development would have a harmful impact on the character and appearance of the site and surrounding area and would therefore be contrary to Policies DP7, DP9 and DP14 of the LP, Policy CSP18 of the Tandridge District Core Strategy (2008) and Policies L1 and L3 of the Woldingham Neighbourhood Plan (2016). These policies collectively seek to ensure that new development integrates effectively with its surroundings, respecting the character, setting and the local context.

Other considerations

17. The background text to Policy DP14 of TLP2 states that compliance with this Policy would in effect constitute 'very special circumstances'. Given I have already concluded that the proposal would not comply with this Policy, I do not need to consider this aspect of the Policy further.
18. I recognise that the provision of a 3-car parking space garage would improve parking on this site, that no objections have been raised with regard to trees and that any ecological issues could be addressed by condition. I also

appreciate the appellant's frustration given that pre-application advice from the Council suggested a more positive outcome. However, these matters do not outweigh the harm that I have identified above.

Green Belt Balance

19. According to paragraphs 152 and 153 of the Framework, inappropriate development in the Green Belt should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, are clearly outweighed by other considerations.
20. I am required by the Framework to give substantial weight to the harm the development would cause to the Green Belt by virtue of its inappropriateness and to openness. Individually or cumulatively, the weights I have attached to other considerations do not clearly outweigh this harm. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

21. Having regard to all matters raised and based on my reasoning above, the appeal is dismissed.

C Hall

INSPECTOR