



Appeal Decision

Site visit made on 28 June 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2024

Appeal Ref: APP/Y3615/D/24/3341744

Newlands Way, Shere Road, West Clandon, Guildford, GU4 8SF

- 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 and Mrs Wynn against the decision of Guildford Borough Council.
 - The application Ref is 23/P/01968.
 - The development proposed is for a detached oak timber frame garage in the place of separate dilapidated garage and outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The garage was in situ, when I visited the site and therefore I have dealt with the proposal on that basis.

Main Issues

3. The main issues are: -
 - whether or not the proposal would be inappropriate development in the Green Belt;
 - if inappropriate development, the effect of the proposal on the openness of the Green Belt;
 - if the proposal is inappropriate development, 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 circumstances' which would be necessary to justify it.

Reasons

Inappropriate development

4. The National Planning Policy Framework (the Framework) establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate unless one of the specified exceptions applies. This includes (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

5. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (the Local Plan) requires the approach in the Framework to be applied, and with regard to replacement buildings the following definition applies: -

(b) A new building will only constitute a "replacement" if it is sited on or in a position that substantially overlaps that of the original building, unless it can be clearly demonstrated that an alternative position would not increase the overall impact on the openness of the Green Belt.

6. The garage is in the same location as the previous garage, located to the rear of the plot, but is bigger. The Council's figures indicate that the increase in footprint is 68.8%. Whilst the appellant does not agree, no alternative figures are provided. The appellant refers to other buildings which have been removed referencing a shed and 2-3 outbuildings behind the garage. The photographs of the previous garage do show a single shed behind but there are no specific dimensions or details of these other outbuildings, and they are no longer present.
7. Even including the size of what appears to be a typical shed, the replacement building has a significantly increased depth and is taller than that it replaced. It is of a scale which is materially larger and as such, I conclude that the proposed development would comprise inappropriate development within the Green Belt as defined by the development plan and the Framework.
8. Other factors, including the size of the plot, visibility and an existing garage to a neighbouring property do not affect this specific assessment of the building against that it replaces.

Openness

9. The garage is set within a treed area adjacent to the rear boundary and cannot be directly seen from Shere Road. The scale and depth are not discernible from views of the garage along the driveway and the extent of additional area covered by the new garage is limited. There would nevertheless be a spatial increase in the size of the building which would give rise to some loss of openness which adds to the harm to the Green Belt and conflict with policy P2.

Other Considerations

10. The property has a sizeable plot and the large, open garden to the front of the bungalow is unaffected by the development. The previous garage was in a dilapidated state, with potential safety issues and required the removal of asbestos. I also acknowledge that the replacement garage provides protection for vehicles, the format with no central divide aids storage, and it could also facilitate electric charging.
11. Newlands Way is part of a row of properties to the west of Shere Road several of which have garages and other outbuildings. The appellant has referred to the garage to the neighbouring property, which is of a similar scale. The background to that building is not before me, and each case is to be considered on its own merits. Whilst the presence of concrete bases and/or annotations on old plans provide an indication of previous development there are no specific details and other outbuildings and extensions have been added to the property overtime.

12. A potential reduction in the size of the garage would necessitate the demolition of the existing built form and would potentially have environmental impacts in terms of the disposal of the materials. However, the garage without the benefit of planning permission (with or without knowingly) was erected at risk and development is required to accord with the development plan unless other considerations indicate otherwise. Other than on Green Belt grounds there are no specific objections to the proposed garage. However, the absence of harm in other respects is not a positive consideration, as acceptability in design and amenity terms is to be expected.

Conclusion

13. The proposal would be inappropriate development within the Green Belt. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt. Even taken together, the other considerations put forward provide little support for the scheme. Therefore, they do not clearly outweigh the harm to the Green Belt and very special circumstances do not exist. The proposed extension would not accord with policy P2 of the Local Plan and there are no other material considerations including the Framework to outweigh that finding. Therefore, for the reasons given, the appeal is dismissed.

G Ellis

INSPECTOR