



Appeal Decision

Site visit made on 20 November 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2024

Appeal Ref: APP/C3620/D/24/3343724

Longacre, Patchesham Park, Leatherhead, Surrey KT22 0DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Richardson against the decision of Mole Valley District Council.
 - The application Ref is MO/2024/0260/PLAH.
 - The development proposed is demolition of existing garage and erection of replacement garage with storage within roofspace.
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Decision

1. The appeal is dismissed.

Main Issues

1. The main issues are:
 - Whether the proposal would be 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 area.
 - 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

2. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraphs 154 and 155 of the Framework. This is broadly echoed by Policy EN1 of the Mole Valley Local Plan 2022-2039 (2024) (LP).

3. The appellant confirms the proposal would be the replacement of a building and I am not provided with persuasive evidence that the appeal scheme would be an extension or an alteration of a building. As such, of relevance to this appeal, paragraph 154d) provides an exception for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
4. The parties agree that the building to be replaced is the existing detached garage. It is a single storey, flat roof structure 2.6m high with a footprint of around 42sqm and a volume of around 110sqm.
5. The proposed development would be for a double garage with a pitched roof containing a storage area with a dormer window. The roof would overhang the ground floor to the front. It would have around 67sqm of footprint, with 12sqm enclosed under the overhang, would be 5.7m high and have a volume of 212cu.m. Including the space covered by the overhang this would be a 55% increase in floorspace, and a 92% increase in volume.
6. The proposed development would increase the footprint of the garage and would also introduce a notably increased bulk at roof level in the form of a pitched roof. This would result in a building which has a clearly larger scale and mass than the existing garage. Whilst the building currently on site is modest, the proposed development would almost double the bulk of this building. As such it would be materially larger than the one that it replaces.
7. Therefore, for the reasons described above, the appeal scheme is inappropriate development in the Green Belt both in the terms of the Framework and Policy EN1 of the LP, as set out above.

Openness

8. The replacement garage would have a larger footprint, height and volume than the building it would replace. It therefore results in a larger built form to this site and introduces development where there currently is none. As such there would be harm to spatial openness. The proposed garage would be clearly seen from the street, as well as from adjoining properties. Consequently, the increased bulk of the proposed built form would be clearly seen and therefore there would also be harm to visual openness.
9. Consequently, for the reasons above, the proposed development would be harmful to the openness of the Green Belt. As such, it would be contrary to the Framework in this regard.

Character and Appearance

10. Patchesham Park is a residential road with large buildings set in generous grounds, including Longacre. The host dwelling has an existing single storey flat roof garage. It is modest and secondary in appearance and is appropriate to the host dwelling and the streetscene. However, a number of properties on Patchesham Park have detached and attached substantial garages with pitched roofs in conspicuous positions on their plots. As such, in many cases, large and prominent garages are part of the appearance of the generous dwellings and also form part of the character of this area.
11. The proposed garage would include a pitched roof which reflects the pitch and appearance of that on the host dwelling, with a small dormer window. The

dormer would increase the prominence of the roof, however its proportions would not unbalance the relationship between the outbuilding and the main dwelling. Furthermore, the height of the ridge of the roof would be clearly lower than the main house. Also, the outbuilding would be detached and clearly articulated as a garage. It would therefore appear secondary and subservient to the main property. This remains the case even considering the scale of the garage relative to Longacres which is smaller than some of the houses in this road.

12. As such, the proposed garage building would be appropriate to this setting which includes other similar garages and would not undermine the secondary relationship of the proposed outbuilding with the main property.
13. Therefore, the proposed development would have an acceptable effect on the character and appearance of the area. Consequently, it would be in accordance with Policy EN4 of the LP which requires high quality design that makes a positive contribution to local character including with regard to the scale, height, massing, proportion and form of existing built development.
14. Policy EN8 of the LP mainly relates to landscape character. Therefore, the policy set out above is more relevant to this main issue in this case.

Very Special Circumstances

15. I am provided with detail of a garage that the appellant states could be built under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). This is shown to have a floor area of around 70sqm, with a volume of 226cu.m and a maximum height of 4m with a low pitched roof.
16. It is not my role as a S78 Inspector to conclude on matters of lawfulness. However, it appears that the fallback garage would be within 2m of the boundary of the curtilage of the dwellinghouse and exceed 2.5m in height. Furthermore, the garden boundary and the orientation of the main dwelling appear different in the fallback drawings compared to those submitted with the appeal. I have taken this into account, along with the absence of alternative persuasive detail that it would be likely that this development would be carried out under the GPDO. Therefore, for the purposes of this appeal I am not satisfied that a garage of the size shown would be permitted development (PD), however, this is not a decision in relation to lawfulness. Nevertheless, this leads me to conclude that there is not a real prospect of the development shown occurring under PD. As such, I attach limited weight to the fallback position.
17. The proposed development would not be harmful to the character and appearance of the area. However, as set out above that the existing garage is also visually appropriate in this context. Furthermore, Policy ENV23 of the Mole Valley Local Plan (2000) is no longer in place and whilst Policy EN4 of the LP requires development to respect local character it does not state pitched roofs will normally be expected. Therefore, whilst the proposed development would not be harmful to character and appearance there would not be a benefit in this regard.
18. The host dwelling has a large front garden and driveway. Whilst the existing garage is said to be too small to be a double garage, there is ample off-street

parking space elsewhere on this site. As such, any benefit in this regard would be mainly a private benefit.

Green Belt Balance

19. The Government attaches great importance to Green Belts. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness. There is also harm to the Green Belt due to the effect on openness.
20. The proposed development would not result in a benefit to character and appearance, and the provision of a double garage would mainly be a private benefit. Furthermore, the fallback scheme does not justify the development proposed for the reasons set out above and I attach limited weight to the fallback position. Consequently, the considerations advanced by the appellant, even when considered together, do not clearly outweigh the totality of the harm. The very special circumstances necessary to justify the development therefore do not exist. As such, the proposed development conflicts with paragraph 153 of the Framework and Policy EN1 of the LP, the aims of which are set out above.

Conclusion

21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR