

8 NOVEMBER 2022 PLANNING COMMITTEE

6C PLAN/2022/0712

WARD: Heathlands

LOCATION: The Whins, Lawfords Hill Road, Worplesdon, Guildford, Surrey, GU3 3QB

PROPOSAL: Erection of a detached outbuilding to frontage following demolition of existing garage, car port and shed.

APPLICANT: Mr S Laffin

OFFICER: Josey Short

REASON FOR REFERRAL TO COMMITTEE

The application was called to Committee by Cllr Davis, the ward Councillor, in the event of refusal being recommended by the case officer as he considers the assessment of whether the replacement structure is 'materially larger' is a subjective judgement which can be exercised by the Committee.

PROPOSED DEVELOPMENT

Planning permission is sought to erect a detached outbuilding to the frontage of the property following the demolition of the existing garage, car port and shed.

The application follows the refusal of planning application **PLAN/2022/0135** (currently pending appeal decision) which was refused under delegated powers for the following reason;-

- 01. The proposal, by reason of the scale, bulk and mass of the proposed triple garage being materially larger than the single garage building and other lightweight car port structure which it would replace, would constitute inappropriate development, which is, by definition harmful to the Green Belt and would result in a loss of openness. No very special circumstances have been advanced which would clearly outweigh the harm to the Green Belt by reason of inappropriateness, and loss of openness. The proposal is therefore contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the Development Management Policies DPD (2016) and Section 13 of the National Planning Policy Framework (NPPF) (2021).*

The refusal of PLAN/2022/0135 followed an earlier refusal at the site for a similar scheme, reference number **PLAN/2021/0981** which was refused on Green Belt grounds and impact on trees. However, the subsequent application PLAN/2022/0135 overcame the reason for refusal relating to trees.

The notable changes to the current scheme from that of PLAN/2022/0135 follows;-

- The roof design has been altered and is now lower than the former scheme.

PLANNING STATUS

- Green Belt

RECOMMENDATION

REFUSE planning permission.

8 NOVEMBER 2022 PLANNING COMMITTEE

SITE DESCRIPTION

The Whins is a large, detached dwelling located in a plot at the corner of Lawford's Hill Road and Bagshot Road. The dwelling has white rendered elevations, and the front elevation of the house faces towards Bagshot Road. To the southeast (front) of the dwelling is a detached garage with rendered elevations, along with a car port with timber pillars and a corrugated plastic roof. The car port has timber fencing to act as a partial enclosure, with two sets of double doors on the front.

Lawford's Hill Road is a low-density residential area in a leafy Green Belt setting, characterised by large houses set in large plots with deep frontages.

PLANNING HISTORY

Planning ref	Description of development	Status	Date
PLAN/2022/0135	Erection of a detached outbuilding to frontage following demolition of existing garage, car port and shed	Refused – Pending Appeal Decision	13.04.2022
PLAN/2021/0981	Erection of a triple garage following demolition of an existing garage and outbuilding storage	Refused	01.12.2021
PLAN/2006/0545	Proposed single storey side extension.	Permitted	30.06.2006
PLAN/1998/0413	Single storey self-contained games room, ancillary to the residential use.	Refused	02.09.1998
PLAN/1996/0261	Erection of conservatory to rear.	Permitted	03.05.1996
PLAN/1994/0770	Demolition of existing conservatory and erection of a two-storey extension.	Permitted	28.10.1994
75/1167	Outline erection dwelling with double garage (subdivision of existing plot)	Refused	

CONSULTATIONS

Trees	The arboricultural information provided by Dryad is considered acceptable and should be complied with in full, a pre-commencement meeting should take place prior to any works on site and include the project manager, project Arboriculturalist and the LA tree officer.
-------	--

REPRESENTATIONS

No neighbouring representations were received.

RELEVANT PLANNING POLICY

National Planning Policy Framework (NPPF) (2021):

Section 4 – Decision making

Section 12 – Achieving well-designed places

Section 13 – Protecting Green Belt land

Woking Borough Core Strategy (2012):

CS21 – Design

CS6 – Green Belt

8 NOVEMBER 2022 PLANNING COMMITTEE

Woking Development Management Policies DPD (2016)

DM2 - Trees and Landscaping

DM13 – Buildings in and adjacent to the Green Belt

Supplementary Planning Documents:

Woking Design (2015)

Outlook, Amenity, Privacy and Daylight (2022)

Parking Strategy (2018)

PLANNING ISSUES

1. The main considerations within the determination of this application comprise the impact on the Green Belt, character of the area, neighbouring amenity, highways and parking and trees.

Impact on the Green Belt

2. The Whins is within the Green Belt, as designated by the Proposals Map. Paragraph 137 of the NPPF sets out that *“the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*.
3. Paragraph 149 sets out that *“a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”*, subject to several exceptions including, relevant in this case, *“d) 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 national advice within the NPPF has to be read together with the Council’s relevant Development Plan, which includes the Woking Core Strategy (2012) and the Development Management Policies Development Plan Document (DMP DPD) (2016). Woking Core Strategy (2012) Policy CS6 indicates that strict control will apply over inappropriate development in the Green Belt as defined in the (NPPF).
5. Furthermore, in regard to the size of the building, the reasoned justification text to Policy DM13 of the DM Policies DPD states that *“When assessing whether a replacement building is materially larger than the one it replaces the Council will compare the size of the existing building with that proposed, taking account of siting, floorspace, bulk and height. As a general rule a replacement building that is no more than 20-40% larger than the one it replaces will not usually be considered to be disproportionate.”*
6. In relation to paragraph 149 of the NPPF, the LPA accepts that the existing car port constitutes a ‘building’ in planning terms. Furthermore, the LPA accepts that the proposed garage would be a building in the ‘same use’ as the existing buildings (garage and car port), which is parking ancillary to the residential use of the land.
7. The form of the existing development is a single garage, single-storey in height, which has a volume of 79m³. It is noted that there is a shed immediately to the south side of the garage and a wooden car port immediately to the west side. However, given their lightweight nature, they will be considered within the Very Special Circumstances section of the assessment (VSC). The proposed triple garage would have a volume of 195.87m³

8 NOVEMBER 2022 PLANNING COMMITTEE

and this would represent a 147% increase in volume. This uplift would be significantly greater than the typically accepted range of 20-40% above the volume of the building being replaced and therefore is considered to be a materially larger building. This would constitute inappropriate development, which is, by definition harmful to the Green Belt.

8. The proposal is also considered to cause harm to openness as set out below.

Very Special Circumstances (VSC):

9. As the proposal would constitute inappropriate development in the Green Belt, it remains to be considered whether '*Very Special Circumstances*' (VSC) exist which clearly outweigh the harms otherwise caused by the development by reason of its inappropriateness, impact on openness and any other planning harm.
10. A case for very special circumstances has been put forward in support of the scheme which is based on the removal of an existing shed between the south side of the existing garage and the site boundary and a car port to the north of it. It is put forward that the cumulative volume of these additional 2 structures would be 96.62 m³ and this should contribute towards the calculation for the existing building to be replaced. The information submitted in support of the application suggests that the existing outbuildings would represent a combined existing volume of 175.5m³ (79+73+23.5). The case is then made that the proposed triple garage, subject of this report, would represent a 11% increase in volume.
11. The existing car port is of a lightweight shelter nature, comprising slim timber upstands, a corrugated plastic roof of a greater height than the eaves of the garage. The car port is enclosed by fence panels of varying heights but maintaining open sides to the south and the rear as well as between the top of the fence panels and the plastic roof sheeting. If it were accepted that the car port was notionally 'enclosed' and has a 'volume' of 73m³ as such there is a combined 'existing building' volume of 152m³. In comparison the proposed triple garage would have a volume of 75m³ and this would represent a 28% increase in volume. Though this uplift would fall within the typically accepted range, this comparison does not reflect the very limited impact that the current car port has on openness because of its limited scale and bulk, the materials used and as part of the structure has some visual permeability through the structure, compared to a fully enclosed built structure, such as the site's existing garage which is constructed in more substantial materials. In comparison the proposed 195.87m³ triple garage would have fully enclosed walls with rendered elevations and a crown roof. This would result in a more visually substantial structure and would also result in a loss of openness to this part of the site.
12. The existing shed is claimed to have a combined volume of 23.5 m³. Though it is noted that its location has been included on the existing plans and elevations (Dwg no. 221-04-22 P002, dated May 2021) by reason of the structure and poor condition of this shed, it is considered that it does not constitute a permanent structure and consequently should not contribute to the volume calculation.
13. It is also noted that the proposal could not be constructed using the provisions of permitted development as it would be set forward of the dwelling's principal elevation and thus, this does not consequently represent a credible fallback position.
14. In addition, even if the removed structures were considered to justify the proposals, there would be no impediment to the applicant replacing them like-for-like elsewhere within the site subject to the provisions of Part 1, Class E of the Permitted Development regulations thereby undermining the Green Belt principle.

8 NOVEMBER 2022 PLANNING COMMITTEE

15. Overall, the proposed triple garage building, would result in a materially larger building than the buildings it would replace and therefore constitute inappropriate development, which is, by definition harmful to the Green Belt and result in a loss of openness. No very special circumstances have been advanced which would clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. The proposals are therefore contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the Development Management Policies Development Core Plan Document (DMP DPD) (2016) and Section 13 of the National Planning Policy Framework (NPPF) (2021).

Impact on Character of the Area

16. The proposed building would be a considerable addition to the plot; however, this must be considered in the context of the overall large size of the plot and host dwelling, the spacing at the front boundary and adequate space to retain the existing boundary treatment. As such it would be subservient to the host dwelling and not cramped within the plot. Materials would be white render to match to the elevations of the host dwelling. Windows would be black PVC frames, which would be similar in colour to the host dwelling. Notwithstanding the crown roof, roof tiles would be in keeping with the host dwelling.
17. As such the proposal would not be harmful to the character of the surrounding area and would comply with policy CS21 'Design' of the Core Strategy (2012) and Woking Design SPD (2015).

Impact on Neighbouring Amenity

18. The proposed works would comply with the 45 and 25 degree angles when measured from the nearest habitable windows of the neighbouring dwellings, and thus it is considered the works would not have an adverse impact on the light these dwellings currently receive. By virtue of the single storey nature of the proposed development and the existing boundary treatment at the site, the proposal would not result in overlooking or a loss of privacy to the west neighbouring dwelling. Additionally, given its single storey height, it would not have an overbearing impact on any neighbouring dwellings.

Impact on Car Parking Provision & the Highway

19. Sufficient space would remain on the gravel drive to the front of the dwelling to facilitate the required level of parking in line with the Parking Strategy SPD.

Impact on Trees

20. There are trees to the front and rear of the existing garage at the site. An arboricultural report was submitted in support of the planning application and the council's arboricultural officer was consulted on the scheme who considered that the arboricultural information provided by Dryad is acceptable and should be complied with in full, a pre commencement meeting should take place prior to any works on site and include the project Manager, project Arboriculturalist and the LA tree officer.
21. In light of the Tree Officers comments, it would be reasonable and necessary to include two conditions in the event of planning permission being granted in this instance which would require the works to be carried out in accordance with the arboricultural information provided and that a pre commencement meeting on site would be required. It is therefore considered that these conditions would pass the 5-part test for planning conditions as set out within paragraph 55 of the NPPF (2021) and thus will be included in the event of planning permission being granted in this instance.

8 NOVEMBER 2022 PLANNING COMMITTEE

Local Finance Considerations

22. The Community Infrastructure Levy (CIL) is a mechanism adopted by Woking Borough Council which came into force on 1st April 2015, as a primary means of securing developer contributions towards infrastructure provision in the Borough. The proposal would not exceed 100m² and thus would not be liable for a financial contribution under the Community Infrastructure Levy (CIL).

CONCLUSION

By reason of its materiality and additional bulk and mass, the proposed triple garage with hipped, crown roof, would be materially larger than the single garage building and other lightweight car port structure which it would replace. As such, it would be inappropriate development in the Green Belt, which is harmful to the Green Belt and would also result in a loss of openness.

As such the application fails to comply with Policy CS6 'Green Belt' of the Woking Core Strategy (2012) and Policy DM13 'Buildings in and adjacent to the Green Belt' of the Development Management Policies DPD (2016) and section 13 the National Planning Policy Framework (NPPF)(2021).

Therefore, the proposal is recommended for refusal. The lack of an objection to the application on character and neighbour amenity grounds do not outweigh the other objections to the application.

BACKGROUND PAPERS

Site Photographs dated 24th October 2022.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason(s):

1. The proposal, by reason of the materials, scale, bulk and mass of the triple garage would be materially larger than the single garage building and other lightweight car port structure which it would replace and would constitute inappropriate development, which is, by definition harmful to the Green Belt and would result in a loss of openness. No very special circumstances have been advanced which would clearly outweigh the harm to the Green Belt by reason of inappropriateness, and loss of openness. The proposal is therefore contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the Development Management Policies DPD (2016) and Section 13 of the National Planning Policy Framework (NPPF) (2021).

Informatives:

1. The plans relating to the application hereby refused are numbered:

Site and Location Plans – Dwg No. 221-04-22 P001 – dated May 2021 and received by the Local Planning Authority on 21.07.2022

Proposed Plans and Elevations – Dwg No. 221-04-22 P003 – dated May 2021 and received by the Local Planning Authority on 21.07.2022

8 NOVEMBER 2022 PLANNING COMMITTEE

02. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework 2021, however, it is considered that the principle issue of the Green Belt could not be overcome through negotiation as part of the current planning application and the scheme is therefore fundamentally contrary to relevant policy. Additionally, it is noted that pre app has not been sought for the proposed development prior to the submission of the application.