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Surrey Heath Borough Council  
Surrey Heath House,  
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**Our reference:** JO-522-LET-01-A

**Your reference:**

12 February 2024

Dear Gavin

**Proposed detached garage/car port at Greenacre, Broadway Road, Windlesham, GU20 6DA**

I write as the agent for the planning application for the above property that was submitted to your authority via the Planning Portal. The application proposes a detached garage, which is located to the south/south-west of Greenacre.

Greenacre is a detached two-storey dwelling located to the east of Broadway Road and is set at the end of a private residential road. The site is well screened due to the siting of existing vegetation. Other residential properties are located to the north, south and west of the site. As identified on the Council's Policies Map, the site is located within the Green Belt.

As you will be aware, a Certificate of Lawful Use was issued by the Council on 18<sup>th</sup> January 2024 for the erection of a detached garage/car port which measured 8.4m in width, 6m in depth and 3.989m in height (application reference: 23/1177/CES). The Certificate of Lawful Use represents a realistic

fallback position for this application. In accordance with the relevant case-law, this fallback position represents a strong material consideration in favour of granting planning permission.

It is proposed that a detached garage/car port is to be located within the residential curtilage of the property, located to the south / south-west of Greenacre, which would measure the same size, depth and height of that allowed under Permitted Development Rights (and confirmed via the Certificate of Lawful Use). The new proposed location is sited in lower ground when compared to the garage allowed under Permitted Development Rights and is totally secluded from the highway and neighbouring properties. Furthermore, whilst the garage is proposed to be in front of the build line of Greenacre, it is still located to the rear of the building line of adjoining properties (Springhill to the south), and due to its reduced visibility, the proposal would not result in any harm to the design or character of the area.

Having regard to your legal requirement<sup>1</sup> to determine the application in accordance with policies of your development plan (unless material considerations indicate otherwise) it is noted that your policies map identifies the site to be within the Green Belt. As such, we consider the main planning considerations for this application to be:

- Impact on the Green Belt;
- Impact on trees;
- Impact on amenities of neighbouring dwellings.

### **Impact on the Green Belt**

The site is located within the Green Belt. Paragraph 152 of the National Planning Policy Framework (NPPF) states that inappropriate development within the Green Belt should not be approved except in very special circumstances. Within this regard, the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, apart from a number of exceptions listed in Paragraph 154 of the NPPF. One such exception is that the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building. Another exception is that limited infilling in villages is not considered to be inappropriate development.

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<sup>1</sup>Section 38(6) of the Planning and Compulsory Purchase Act 2004

Notwithstanding the above, should the LPA consider that the proposal is inappropriate development, we believe that the realistic fallback position offered by the confirmed Certificate of Lawfulness represents 'very special circumstances'.

There is more than a real prospect that the proposal certified as lawful will be built by the applicant, which represents a significant material consideration in favour of granting permission for this proposal. This proposal would provide a detached garage / car port of the same size, shape and massing than the fallback position. Due to the topography of the site, this proposal seeks to locate the detached garage / car port in an area which is lower than the dwellinghouse and most importantly lower than the previously approved location. As such, the visual prominence of this proposal would be lower than the scheme which can be built out in accordance with Permitted Development Rights (as evidenced by the Certificate of Lawfulness). Both locations are significantly screened from both public and private views, and as such the openness of the Green Belt would be retained. Furthermore, it should be noted that the proposed location for the garage is located behind the build line of the property to the south (Spring Hill).

As such we do not consider that the proposal would have a negative impact on the openness of the Green Belt, especially when considered against the fallback position offered by the Certificate of Lawfulness.

**Impact on trees**

This application is supported by a Development Tree Report produced by SMW (Tree) Consultancy Ltd. As set out in the report, the proposal would not require the removal of any trees. The report concludes that due to its proposed location and that the minimal levels of excavation required (c. 100mm in depth), it is not anticipated that the health of trees would be impacted by the proposal.

As such, it is considered that the proposal complies with Policy DM9 of the Core Strategy, which requires the protection of trees and other vegetation which are worthy of retention.

**Impact on the amenities of neighbouring dwellings.**

It is proposed that the garage / car port is located approximately 3.4 metres from the southern boundary and 3.118 metres of the western boundary of the property. It should be noted that the separation distance between the garage and the boundaries of the property are far in excess of the 2 metres generally allowed under Permitted Development Rights.

Due to the size and siting of the proposed detached garage / carport it is not considered that the proposal would result in any negative impact on neighbouring properties. As previously indicated, the site is well screened to the south due to the existing vegetation, and as indicated on the relevant plans, the proposed garage does not include any windows.

Furthermore, given that the site is located at the end of a private road and cannot be viewed from the streetscene, the proposal would not result in any negative visual impacts, nor would it harm the design or character of the area.

For these reasons we consider that the development would be in accordance with policies of your Council's development plan. The fallback position offered by the previously granted Certificate of Lawfulness application represents a strong material consideration in favour of granting planning permission for this proposal. As such, it is respectfully requested that this planning application is approved.

Yours faithfully,

**Nick Griffin** MRTPI  
Inception Planning Ltd.