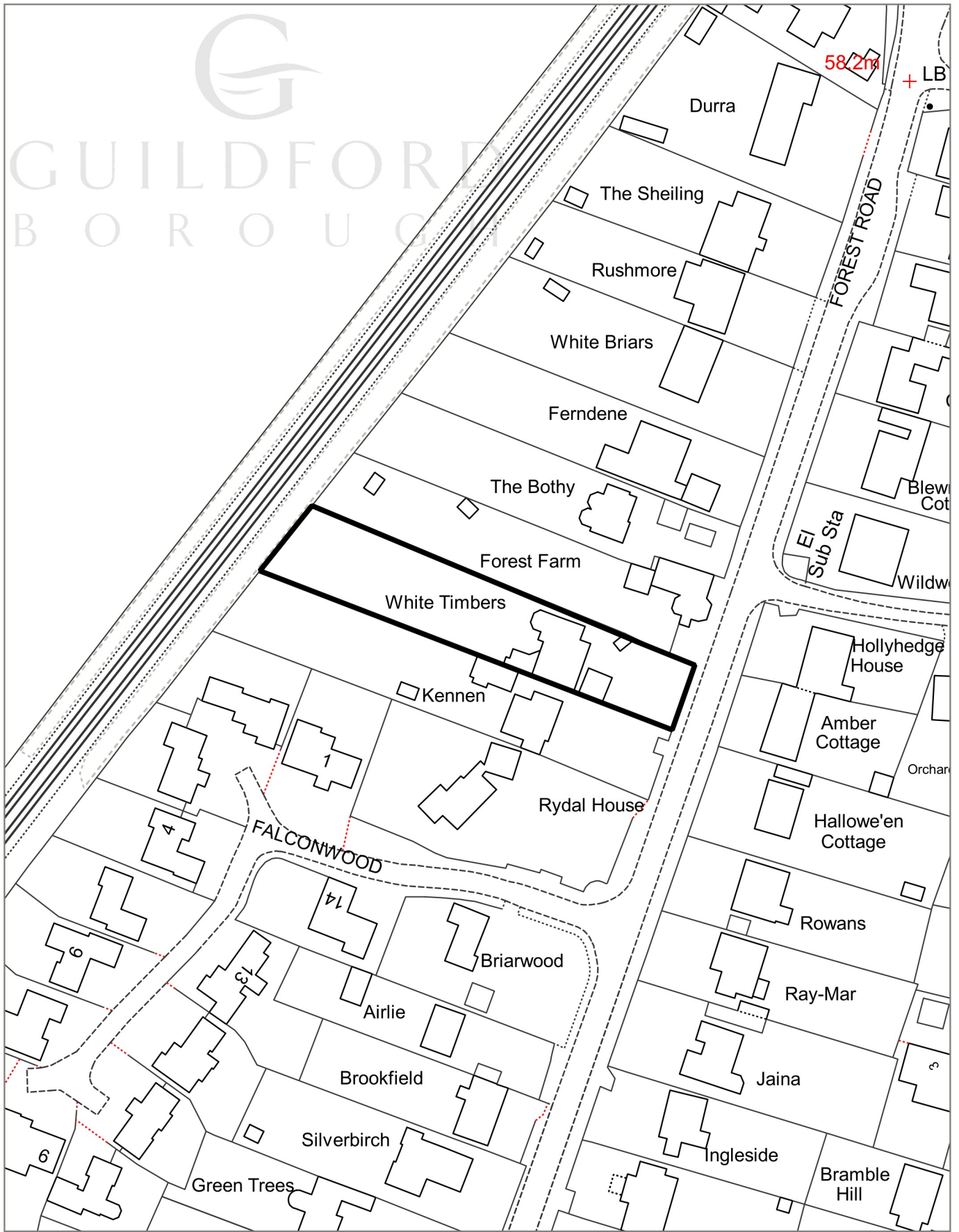


# 22/P/00706 - White Timbers, Forest Road, East Horsley, Leatherhead



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This map is for identification purposes only and should  
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Print Date: 12/12/2022

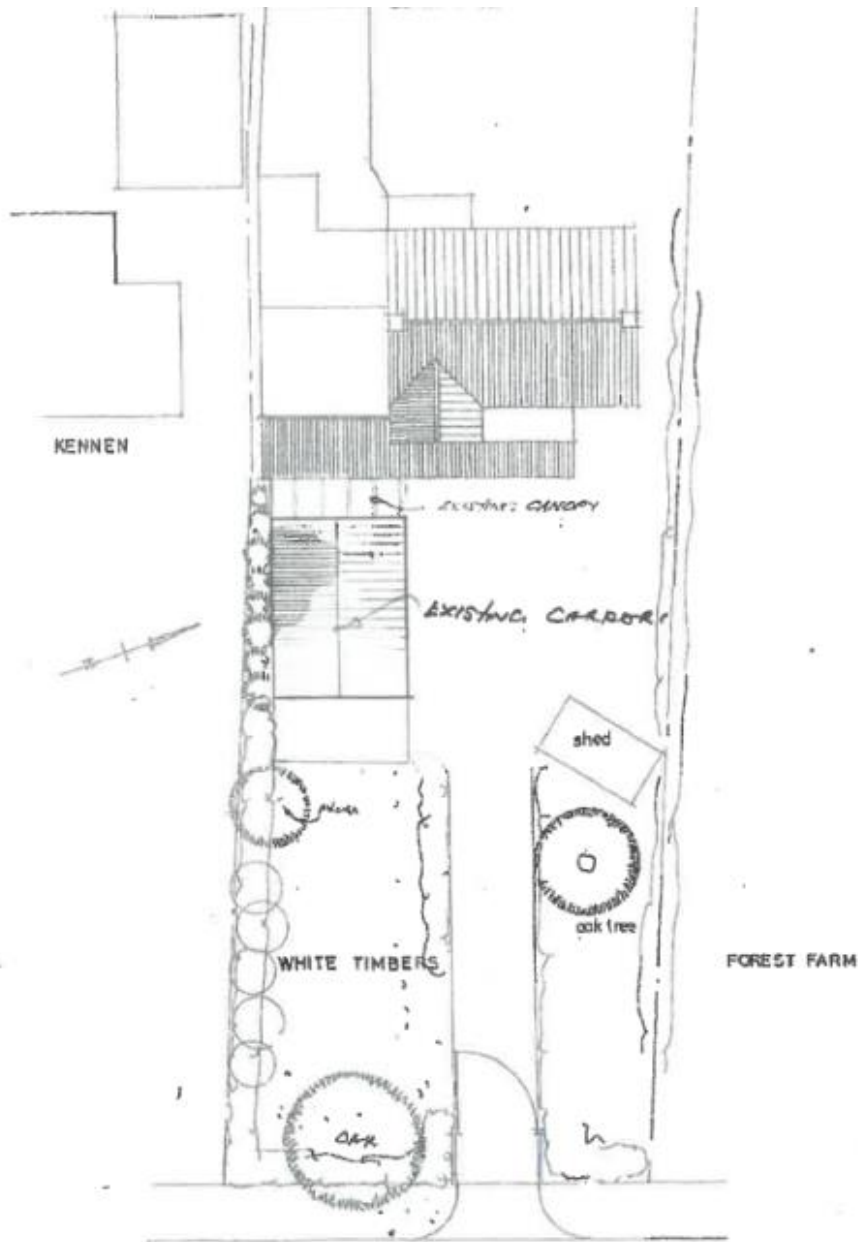


Not to Scale



GUILDFORD  
BOROUGH

22/P/00706 – White Timbers, East Horsley



Not to scale



**App No:** 22/P/00706  
**Appn Type:** Full Application  
**Case Officer:** Michaela Stevens  
**Parish:** East Horsley  
**Agent :** M Mercer  
Mercer Planning Ltd  
Castle Hill House  
12 Castle Hill  
Windsor  
SL4 1PD

**8 Wk Deadline:** 11/01/2023

**Ward:** Clandon & Horsley  
**Applicant:** Mr Dixon  
White Timbers  
Forest Road  
East Horsley  
Surrey  
KT24 5ER

**Location:** White Timbers, Forest Road, East Horsley, Leatherhead, KT24 5ER

**Proposal:** Retention of the car port with cantilevered canopy and gable roof together with the existing patio area (retrospective application).

### **Executive Summary**

#### **Reason for referral**

This application has been referred to the Planning Committee because more than 10 letters of objection have been received, contrary to the Officer's recommendation.

#### **Key information**

This is a retrospective application to retain an existing car port in the front garden of White Timbers.

There is extant planning permission for an appeal that was allowed under 21/P/01695. The main difference between the appeal scheme and the current application is that a store on the elevation facing the road has been removed and replaced with a hardstanding surface and open frame. This appeal decision is given significant weight as a material consideration.

#### **Summary of considerations and constraints**

Forest Road is characterised by the predominance of landscaping with larger, detached homes set back from the road. Garages in the front garden form part of the established pattern of development.

The car port due to its scale, design and location would not appear unduly prominent in the streetscene and complement the main dwelling

There would be no material harm to neighbour amenity.

The proposal therefore accords with Policy D1 of the Local Plan (2019), Policy G5 of the Saved Local Plan (2005), EH-H7 of the East Horsley Neighbourhood Plan (2018), the Residential Extensions and Alterations SPD (2018) and chapter 12 of the NPPF.

## **RECOMMENDATION:**

### **Approve - subject to the following condition(s) and reason(s) :-**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan and Block Plan  
Existing Plans  
Existing Elevations

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

### **Informatives:**

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

Pre-application advice was not sought prior to submission and the application was acceptable as submitted

2. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk)

## **Officer's Report**

### **Site description.**

The application relates to detached property located within the settlement of East Horsley. White Timbers is a mid-late twentieth century two storey dwelling set back in its plot behind a landscaped front garden on the western side of Forest Road. The frontage of the property immediately adjacent to the highway is covered by an area Tree Preservation Order (TPO) and the property to the north east, Forest Farm House, is a Grade II listed building. Forest Farm House holds a position closer to the highway than the application property.

Forest Road is characterised by large dwellings in a mixture of styles from various eras but are predominantly traditional in character. Dwellings tend to have large driveways and are separated from the highways with verdant boundary treatments such as hedges.

### **Proposal.**

Retention of the car port with cantilevered canopy and gable roof together with the existing patio area (retrospective application)

### **Relevant planning history.**

**21/P/01695** - Retention of car port with cantilevered canopy with gable roof together with the conversion of the existing patio area to create a store/ garaging facility (retrospective application)  
- Refused - Appeal Allowed

**18/P/01900** - Erection of a car port - Approved

**18/P/00960** - Erection of a car port - Refused

**03/P/01960** - Single storey flat roof rear extension - Approved

**87/P/00397** - Erection of new conservatory following demolition of existing conservatory - Approved

**84/P/00315** - Front extension to form porch and integral double garage - Approved

### **Consultations.**

#### East Horsley Parish Council:

Object for the following reasons.

- Out of character – scale, design position
- Lack of detail on measures to remove patio area  
[officer comment: the submitted plans show the patio retained]
- Noise and disturbance
- Running a business

#### Network Rail:

No objections

### **Third party comments:**

14 letters of objection have been received; key issues raised are as follows:

- Repetitive applications  
[officer comment: the legislation does not prevent applications subject to consideration under the relevant legislation]
- Failed to use powers to decline to determine the application and revoke the planning permission
- Implemented previously refused scheme
- Uses for the outbuilding and structures  
[officer comment: the use would remain lawful as long as the activities carried out continued to be incidental to the main dwellinghouse]

- Possibility of further applications for development  
[officer comment: each proposal would be assessed on its own merits]
- Misleading and inconsistent information  
[officer comment: each proposal would be assessed on its own merits including the relevant planning history]
- Temporary canopy has not been removed
- Overdevelopment
- Does not comply with permitted development
- Building design changing due to structural requirements
- Has not overcome concerns from refused scheme
- Overbearing impact
- Loss of a private view  
[officer comment: not a material consideration]
- Out of character

### **Planning policies.**

#### National Planning Policy Framework (NPPF) 2021:

Chapter 2: Achieving Sustainable Development  
 Chapter 4: Decision Making  
 Chapter 12: Achieving Well Designed Places  
 Chapter 15: Conserving and Enhancing the Natural Environment  
 Chapter 16: Conserving and Enhancing the Historic Environment

#### Guildford Borough Local Plan: Strategy and Sites (LPSS), 2015-2034:

The Guildford Borough Local Plan: strategy and sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan. In addition, the Local Plan 2003 policies that are not superseded are saved and continue to form part of the Development Plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

S1: Presumption in favour of sustainable development  
 D1: Place shaping  
 D3: Historic Environment  
 ID4: Green and Blue Infrastructure

#### Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007):

G1: General Standards of Development  
 G5: Design Code  
 HE4: New development which affects the setting of a Listed Building  
 NE5: Development Affecting Trees, Hedges and Woodlands

#### Guildford Borough Council: Development Management Policies June 2022

The National Planning Policy Framework provides the following advice at para 48:  
 Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Guildford's Local Plan Development Management Policies (LPDMP) can now be considered to be at an advanced stage in production. The hearing sessions have been completed and the Inspector has reached a conclusion that, subject to main modifications, the plan can be found sound. The main modifications he considers necessary are currently out for consultation. Those policies/parts of policies that are not subject to any proposed main modifications should now be afforded considerable weight. Where specific parts of a policy are subject to main modifications, then further consideration should be given as to the extent to which those modifications would, if accepted, impact upon the assessment of the proposal. If it would result in a different conclusion being reached then these specific parts of the policies should be given moderate weight given the level of uncertainty that these will still be recommended by the Inspector in his final report.

Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness

Policy D5: Protection of Amenity and Provision of Amenity Space

Policy D17: Listed Buildings

Polcies P8/P9: Protecting Important Habitats and Species

East Horsley Neighbourhood Plan (2018):

EH-EN2: Trees and Hedgerows

EH-H7: East Horsley Design Code

Supplementary planning documents:

Residential Extensions and Alterations SPD (2018)

### **Planning considerations.**

#### Background to application

Planning permission was granted in February 2018 for the erection of a carport, under 18/P/01900. When constructed the applicant did not follow the approved plans.

A planning application to regularise the works that had been carried out was submitted and subsequently refused in January 2022, under 21/P/01695. This decision was subsequently appealed, and the appeal was allowed in July 2022.

In allowing the appeal, the Inspector made the following assessments, in summary:

- although positioned in front of the appeal property, the carport is set relatively far back from the road. The set back and front boundary planting mean views of the house and carport from the street are fairly limited and their appearance softened;
- the moderate scale of the carport and its set back, it is not prominent in the street scene, and appears as a subservient addition to the existing dwelling;
- The gable roof design reflects the roof of the existing dwelling and is in character with houses and garages in the surrounding area;
- the cantilevered canopy consists of a simple thin frame and transparent covering, which maintains a sense of separation between the house and the carport;

- it is not clearly visible from the street, and the views of the integral garage door through the western elevation of the carport give the appearance that the house and carport are two separate structures.

Whilst awaiting the appeal decision, the applicant submitted a further retrospective planning application (this application). The application now being considered has removed the request for the additional store to the front of the car port, in an attempt to address the reason for refusal on the previous application.

The main planning considerations in this case are:

- the principle of development
- retrospective application
- the impact on the scale and character of the existing dwelling and surrounding area
- the impact on neighbouring amenity
- Impact upon the setting of a listed building
- Impact on protected trees

### The Principle of Development

The subject site is located within an established residential area where household extensions and alterations are not uncommon. The proposed extension to facilitate additional and improved living space is therefore considered to be acceptable, providing it provides high quality standards of internal accommodation, a design appropriate in the context of its surroundings and constitutes neighbourly development.

### Retrospective application

A ministerial planning policy statement on 31 August 2015 introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This has been supplemented by a written answer to the House of Commons on 19 October 2018 confirming that the remains a potential material consideration.

The statement does not advise the level of weight it that should be applied, neither does it override Section 73A of the Town and Country Planning Act 1990 (as amended) which provides the legal basis for submitting a retrospective application. The NPPG also confirm the use of an application as a legitimate means of regularising a breach of planning control. Given these factors it is unlikely that where development accords with the provisions of the Development Plan that refusal could be justified only on the grounds that it was unauthorised.

In considering this current application, which seeks to regularise unauthorised development, the local planning authority has given weight to the fact that the application is retrospective. However, in the absence of any evidence to demonstrate that the applicant intentionally sought to breach planning legislation, or any detailed guidance from central government on the level of weight that should be applied in such circumstances, the fact that this application is retrospective is only considered to weigh against granting planning permission to a limited degree.

Consideration has also been given to the planning history which includes the recent allowed appeal for the retention of car port with cantilevered canopy with gable roof together with the conversion of the existing patio area to create a store/ garaging facility (retrospective application) under application reference 21/P/01695, which remain extant.



### The Impact on Scale and Character of Existing Building and Surrounding Area

Concerns have been raised in relation to the impact of the proposal on the appearance of the area.

The application seeks permission for the retention of the car port with cantilevered canopy and gable roof together with the existing patio area (retrospective application). This application follows a recently allowed appeal for a similar development.

The main difference between allowed appeal and this application is the omission of the secure store over the patio area. The design of the secure store was fully enclosed with a gabled pitched roof over. The patio area subject of this application has a stained timber wall to the south west elevation and timber post and beams around the perimeter.

The current application represents a reduction in built form from the appeal scheme. The post and frame structure provides views through to the car port behind and reduces the overall bulk of the approved development. The omission of the secure store and introduction of a rear timber wall with post and frame structure around the perimeter of a patio area would not have a visually adverse appearance of the appearance of the site or street scene such that it would be found contrary to the development plan.

Policy EH-H7 of the Neighbourhood Plan states that development of houses will be supported where designs are in keeping with the established character of East Horsley. Whilst the policy says that garages should normally be positioned to the sides of dwellings, not the front, when considering the character of Forest Road there are many examples of garages set to the front of dwellings. As such, the proposed car port follows this established character as required by Policy EH-H7 and is appropriate in this instance.

Having regard to the Inspectors findings, the appeal scheme as allowed and the proposed scheme, it is considered that the proposed works are acceptable when considering their impacts on the character and scale of the dwelling and its surrounds. The proposal therefore accords with Policy D1 of the Local Plan (2019), Policy G5 of the Saved Local Plan (2005), EH-H7 of the East Horsley Neighbourhood Plan (2018), the Residential Extensions and Alterations SPD (2018) and chapter 12 of the NPPF. Also D4 of the Development Management Policies (2022).

### The Impact on Neighbouring Amenity

The neighbouring properties most affected by the proposals would be Kennan and Forest Farmhouse, respectively situated to the south west and north east of the application site.

Forest farmhouse is situated c.20 metres away, this separation distance would ensure that they would not be materially impacted upon by the proposal through a loss of privacy, shading or overbearing impacts.

Kennan is located to the south west. There is ample separation between the car port and this property so as not to result in significant amenity concerns at this property.

This application represents a reduction in built form, with the removal of a roof over the patio to provide a secure store. The proposal would not cause adverse harm to the residential amenities of these adjacent occupiers through a loss of outlook, daylight, sunlight or privacy nor would this have an overbearing impact.

There are no significant impacts predicted with regards to neighbouring amenity as a result of the proposals and the proposals are in accordance with policy G1(3) of the Saved Local Plan and D5 of the Development Management Policies (2022).

### Impact on the Setting of a Listed building

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### *NPPF provisions*

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the NPPF (revised 2021) Policy Framework addresses proposals affecting heritage assets. Para 199 sets out that "great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

The grade II listed building, Forest Farm, is situated to the north east of the application site. The listing for this building is below:

House. 1867, by Lovelace Estate. Flint rubble, some knapped, with brick and terracotta quoins and dressings; slate roofs, some hipped. House to left with single storey service buildings extending in a U shape, around a courtyard, to the right. Two storeys with massive multiple stacks to front right and rear right under decorative corbelled tops. Street front: Two storey angle bay to left with elaborate, brick and terracotta plaque band over the ground floor, arcaded and machicolated eaves band. One original cambered head, metal casement window to first floor right, one window below, one first floor window in each face of the angle bay. Larger ground floor windows in each face of the angle bay. Door to left in the re-entrant angle between the angle bay and the gabled bay of the left hand return front. One further ground floor window to right in a weatherboarded pentice roofed extension. Weatherboarded and brick extensions to right. This is one of a series of estate buildings constructed by Lord Lovelace, Uncle to Lord Byron, in East Horsley Parish.

Paras 201-205 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

### *Assessment*

The Inspector commented that Forest Farmhouse is located in a residential area and the houses on Forest Road form part of its setting, as well as the area's verdant and open character. It is set forward of the neighbouring properties, much closer to the road, which makes it prominent in the street scene with the neighbouring properties and planting providing a backdrop. White Timbers and Forest Farmhouse are separated by a relatively tall landscape boundary. This, together with the set back of White Timbers and its carport, maintains the open and verdant character of the area. Given this, and the modest scale of the proposal, there would be no harm to the setting of the listed building or its significance as a designated heritage asset.

As noted above this application does not include the secure store as was proposed within the appeal scheme, instead a patio with a pergola over and back wall. The works represents a reduction over the appeal scheme and would have a reduced visual impact as discussed above. Officers consider the application scheme would maintain the open and verdant character of the site and given the similarly modest scale of the proposal there would be no harm to the setting of the listed building or its significance as a designated heritage asset.

#### Impact on protected trees

The previous application was not refused on impacts to the nearby TPO tree. The proposal does not represent an encroachment of development closer to the TPO tree than previously applied for. The proposal is considered to be acceptable in terms of impacts to the TPO tree and no long term harm to the health of the TPO tree would occur through this application.



## Appeal Decision

Site visit made on 22 June 2022

**by Hannah Guest BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 July 2022**

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**Appeal Ref: APP/Y3615/D/22/3296538**

**White Timbers, Forest Road, East Horsley KT24 5ER**

- 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 Ian Dixon against the decision of Guildford Borough Council.
  - The application Ref 21/P/01695, dated 28 July 2021, was refused by notice dated 14 January 2022.  
The development proposed is to retain the existing carport, cantilevered canopy and gabled roof construction and the conversion of the existing patio area to create a secure store/garaging facility.
- 

### Decision

1. The appeal is allowed and planning permission is granted to retain the existing carport, cantilevered canopy and gabled roof construction and the conversion of the existing patio area to create a secure store/garaging facility at White Timbers, Forest Road, Leatherhead KT24 5ER in accordance with the terms of the application, Ref 21/P/01695, dated 28 July 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing carport.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Block Plan; Existing Plans; Existing Elevations; Proposed Plans; Proposed Elevations.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the existing dwelling and surrounding area.

### Procedural Matters

3. Part of the development has already been carried out. From my observations this appears to reflect the submitted plans. For the avoidance of doubt, I have determined this appeal on the basis of the submitted plans.

### Reasons

4. Forest Road is a main road running through East Horsley. Most of the houses are detached and set back from the road on large plots. Boundary treatments

consist mainly of hedges, shrubs and trees, and there are regular mature trees lining the street. This creates a verdant and open character.

5. The houses on Forest Road and the surrounding area vary in scale, form, and style. However, it is common for garages to be positioned in front of the host dwellings. There are several houses in the surrounding area, including along Forest Road, with garages of a similar scale and position to the appeal property's carport.
6. Although positioned in front of the appeal property, the carport is set relatively far back from the road. The set back and front boundary planting mean views of the house and carport from the street are fairly limited and their appearance softened. Notwithstanding this, and despite some of the walls of the existing carport being enclosed, the integral garage door, which forms part of the front elevation of the house, is visible from the road because the western elevation of the carport is open.
7. Given the moderate scale of the carport and its set back, it is not prominent in the street scene, and appears as a subservient addition to the existing dwelling. Its gable roof design reflects the roof of the existing dwelling and is in character with houses and garages in the surrounding area.
8. The cantilevered canopy consists of a simple thin frame and transparent covering, which maintains a sense of separation between the house and the carport. Furthermore, it is not clearly visible from the street, and the views of the integral garage door through the western elevation of the carport give the appearance that the house and carport are two separate structures.
9. The proposed addition to the carport to form a secure store/garaging facility is modest and would not increase the scale of the structure to such a degree that it would become dominant or overbearing. It would remain subservient to the main house. Given that the eastern elevation of the proposed store would be finished in timber cladding, the resulting appearance would be very similar to the existing carport.
10. Accordingly, for the reasons above, I find the proposal would not harm the character and appearance of the existing dwelling or surrounding area. As such it would be in accordance with the aims of policy D1 of the Guildford Borough Local Plan 2015-2034, Policy G5 of the Guildford Borough Local Plan 2003, and Policy EH-H7 of the East Horsley Neighbourhood Plan 2017-2033 that seek to deliver good design and protect the character and appearance of the existing dwelling and surrounding area.

### **Other Matters**

11. The appeal site is next to Forest Farmhouse, a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to give special regard to preserving the building or its setting or any features of special architectural or historic interest which it possesses.
12. Forest Farmhouse is located in a residential area and the houses on Forest Road form part of its setting, as well as the area's verdant and open character. It is set forward of the neighbouring properties, much closer to the road, which makes it prominent in the street scene with the neighbouring properties and planting providing a backdrop. It is the open and verdant setting that is significant in relation to this appeal.

13. The appeal property and Forest Farmhouse are separated by a relatively tall landscape boundary. This, together with the set back of the appeal property and its carport, maintains the open and verdant character of the area. Given this, and the modest scale of the proposal, I conclude that there would be no harm to the setting of the listed building or its significance as a designated heritage asset.
14. I can understand that development being undertaken prior to it being permitted may cause frustration. However, while this can be a material consideration, I have concluded the proposal does not harm the character and appearance of the existing dwelling or surrounding area.
15. Concerns have been raised that the proposal would allow the expansion of the appellants picture framing business that is operated from the appeal property and that this would result in an increase in noise and traffic. However, I have determined this appeal on the basis of the proposal for a domestic extension.
16. I understand that the outlook from the neighbouring property, Kennan, may have changed as a result of development. However, as stated in the Officer's report, the walls of concern already benefit from planning permission and are not subject of this appeal. The Council have concluded that the alteration from the approved hipped roof to a gable ended roof would not result in any material effect on the residential amenity of the neighbour. I have no reason to depart from these conclusions.

### **Conditions**

17. In addition to the standard time limit condition, a plans condition is required in the interest of certainty. In order to protect the character and appearance of the area, a condition is necessary to clarify the external materials used in the construction of the store/garaging facility to match the existing carport.

### **Conclusion**

18. With regard to the above, I find that the proposal would be in accordance with the development plan, read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to indicate that a decision should be taken otherwise in accordance with it.

*Hannah Guest*

INSPECTOR