

Appeal Decision

Site visit made on 19 October 2016

by Ray Wright BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 November 2016

Appeal Ref: APP/M3645/D/16/3156492

3 Doctors Lane, Chaldon, Caterham CR3 5AE

- 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 & Mrs Mike Napthine against the decision of Tandridge District Council.
 - The application Ref TA/2016/1063 was refused by notice dated 9 August 2016.
 - The development proposed is a 'loft conversion with dormer windows.'
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Decision

1. The appeal is dismissed.

Main issues

2. The appeal site is within the Green Belt and so the main issues in this appeal are:
 - whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (Framework) and development plan policy;
 - the effect of the development on the openness of the Green Belt and on the character and appearance of the area; and
 - 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 'very special circumstances' necessary to justify it.

Reasons

3. The appeal relates to a detached bungalow outside the village of Chaldon. The proposal involves a loft conversion including the installation of six dormer windows.

Whether Inappropriate Development?

4. The Framework confirms that the construction of new buildings inside a Green Belt is inappropriate with only limited exceptions. One exception is '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.'
 5. Policy DP10 of the Tandridge Local Plan 'Part 2 : Detailed Policies' 2014 (LP) indicates that inappropriate development in the Green Belt will normally be
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refused permission. Policy DP13 of the LP sets out more guidance for developments within the Green Belt which generally conforms with the requirements set out in the Framework. It advises that for the purposes of the plan the original building will be that which existed on 31 December 1968 and consequently this date forms the starting point for any assessment.

6. The Council have put forward volumes for the original dwelling and identify two planning permissions (dated 1974 and 1984), which have been implemented, to increase the size of the original property. These details do not appear to have been directly challenged by the appellants, and indicate that the original dwelling was around 454m³ and that 'additions to the dwelling already total 882m³.' The appellants accept that the property has been 'considerably extended'.
7. The additional volume of the dormer windows proposed in this appeal is limited, the Council putting it at around 20m³ and the appellants at just over 27m³. The appellants indicate the current volume of the dwelling is 1390m³ and confirm, on this basis, that the appeal proposal would be 'just less than 2% of the current house volume.'
8. As dormers are proposed there would be no increase in the footprint of the property. No specific comparisons have been made relating to the level of alteration in floor space that would take place, which is another mechanism for quantifying the degree of change. However, the appellants indicate that the works would provide a 77m² of additional floor space, over that existing.
9. I accept that the dormers proposed would not rise above the ridge line of the existing bungalow and would be subordinate within the overall roof space resulting in only a small increase in the bulk of the building. However, assessing proportionality is primarily an objective test based on size. By comparing the dwelling as it was in 1968, to the one that would result if the proposal were to go ahead, the outcome, based on all the figures provided, would be disproportionate. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

Openness and Character and Appearance

10. The Framework identifies that an essential characteristic of Green Belts is their openness. In that the overall bulk of the dwelling would be increased by the additional built development, the proposal would reduce it. However, in isolation, the loss of openness would be minimal.
11. The Framework confirms good design is a key aspect of sustainable development. Policy CSP 18 of the Tandridge District Core Strategy 2008 (CS) and Policy DP7 of the LP similarly require a high quality of design which respects the character, setting and local distinctiveness of areas.
12. I note the decision letter refers to non-compliance with Policies CSP 18 of the CS and DP7 of the LP. However, the officer report indicates that other than Green Belt policy there is 'no other significant reason to refuse the scheme based on character and appearance and the proposal complies with Policy DP7...and Policy CSP 18...' The form of the existing building would be changed by the dormers proposed. However, the property has a discrete location which is not prominent from the road due to tree screening and, with the siting and design of the proposed dormers, I concur that the proposal would have a very

limited effect on the character and appearance of the wider area. This lends some support to the scheme.

Other Considerations

13. The appellants indicate that a loft conversion at the property could be carried out as 'permitted development'¹ 'utilising roof-lights in the plane of the pitched roof.' However, I have no definitive information as to whether this would be the case. This appeal relates solely to the Council's refusal of planning permission and is a determination made under Section 78 of the above Act. My determination of this appeal under this section of the Act does not affect the issuing of a further determination under Sections 191/192 of the same Act. In any event any such change would be likely to result in a reduced increase in volume to the property compared to the appeal proposal.

Conclusions

14. The proposal would be inappropriate development and the Framework establishes that substantial weight has to be given to the harm by reason of inappropriateness. There would be a minimal loss of openness and a limited impact on the character and appearance of the area. Little weight is attached to the potential for permitted development rights to be exercised. The other considerations put forward to support the proposal do not clearly outweigh the totality of harm which is the test they have to meet. Consequently, very special circumstances do not exist and the proposal is contrary to guidance in the Framework and LP Policies DP10 and DP13. For the above reasons, I conclude that the appeal should be dismissed.

Ray Wright

INSPECTOR

1 Under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).