

Appeal Decision

Site visit made on 22 November 2016

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 05 December 2016

Appeal Ref: APP/C3620/D/16/3158435

Lodgefield, Mill Lane, Newdigate, Dorking, Surrey RH5 5AL

- 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 David Edmonds against the decision of Mole Valley District Council.
 - The application, Ref. MO/2016/0915/PLAH, dated 3 June 2016, was refused by notice dated 7 September 2016.
 - The development proposed is a roof extension together with dormer windows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2012 ('the Framework') and any relevant development plan policies; (ii) the effect on the openness of the Green Belt, and (iii) whether any harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

3. In respect of issue (i), Paragraph 89 of the Framework explains that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt. However, there are a number of exceptions listed and these include 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. The saved Policy RUD7 of the Mole Valley Local Plan 2000 ('the Local Plan') adopts a similar approach and the planning officers' report explains that generally a cumulative increase of over 50% in the floorspace of the original dwelling is considered to be 'disproportionate'.
 4. In this case, the Council calculates that the current proposal would add 35 sqm (or 32%) to the original dwelling's 107.79 sqm floorspace. However, also taking into account the porch and side extensions and the conversion of the roofspace in the 1993 permission ref. MO/93/0618 amounting to 131 sqm (or 121%), the cumulative increase would be '154%' (presumably rounded up from the 153% which is the actual sum of 121% + 32%). In this context the grounds of appeal refer to the drafting error in the report that inadvertently
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refers to a 'proposed two storey side extension, but nonetheless the figure of 154% appears to be reasonably accurate, especially as the appellant does not suggest an alternative figure.

5. Insofar as the Council's interpretation of 'disproportionate' relies on a quantitative floorspace assessment, I consider that an increase of three times the guideline figure should properly be regarded as 'disproportionate' and therefore contrary to both Local Plan Policy RUD7 and the Framework.
6. As regards the other test under Policy RUD7, namely whether the proposal would be out of proportion with the original dwelling in terms of its form, bulk or prominence, I take the view that the combined effect of the hip to gable extensions at both ends of the building and the additional dormers would be to change the character and appearance of the dwelling from that of a chalet bungalow to essentially a two storey house, albeit with the first floor accommodation within the roofspace. This would be a material difference and therefore reinforces my conclusion on the floorspace criterion that the proposal would be a cumulatively disproportionate addition over and above the size of the original building. As this is in conflict with both paragraph 89 of the Framework and Local Plan Policy RUD7, I conclude on issue (i) that the proposal would be 'inappropriate development' within the Green Belt, which paragraph 87 of the Framework explains is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. Turning to issue (ii), the effect on the openness of the Green Belt, although the appeal scheme would significantly alter the character and appearance of the dwelling, the fact that the building's footprint would not be increased explains the Council's view that the alterations and additions 'would not encroach further into the open countryside'. However, whilst I acknowledge that this factor mitigates the harmful effect on the Green Belt, particularly as Lodgefield forms part of a residential area where there are large dwellings on substantial plots, it does not alter the fact that the increase in the scale of the building's first floor / roof accommodation would inevitably result in at least some noticeable loss of openness.
8. On balance on this issue I conclude that whilst there would be a reduction in the openness of the area it would not be significant. I also note that in its refusal of the appeal application the Council is not of the view that there would be any other harm caused, including to the privacy or the 'amenities' of neighbouring properties. I have no reason to form a different conclusion.
9. The grounds of appeal have referred to a number of 'other considerations' as referred to in issue (iii) in paragraph 2 above. Firstly as regards the point that the hip to gable element of the scheme would be permitted development, this is presumably a fall back position that the appellant may wish to take up, albeit with rooflights rather than dormers. However, I consider that given the number and size of the dormers proposed in the appeal scheme, it is materially different to the permitted development option and the latter can therefore be given only limited weight.
10. A second argument is that there would be no harm caused to the character and appearance of the area, and whilst I am in agreement with this I consider that

an absence of harm, as opposed to a positive consideration, should again only be given limited weight.

11. The remainder of the grounds of appeal mainly refer to other planning decisions in the locality that have involved a grant of permission. As the interpretation of Green Belt policy involves the assessment of local policies supporting the national policy in the Framework I consider that it is only cases in the Mole Valley Council area that can be safely compared. In the appeal cases at 'Wildwood' and 'Casa Mia' the floorspace increases were far smaller than in this instance and do not therefore bear comparison. As regards the case at Briarwood, I find the limited weight attached to the 170% increase in floorspace surprising, but note that the officer's report went on to conclude that '*the appearance of the property as a chalet bungalow would be retained*', namely the opposite to my conclusion in this case.
12. Turning finally to the crux of issue (iii), in weighing the Green Belt balance of arguments I have already concluded that the other considerations in the form of a permitted development fall back and the absence of harm to the character and appearance of the area and to the privacy and amenities of other properties can be afforded only limited weight. In addition, the other Council / appeal decisions cited are not directly comparable to the appeal scheme.
13. On the other hand, I have concluded that the appeal scheme is inappropriate development, which under national policy is *harmful by definition*. Paragraph 88 of the Framework also explains that substantial weight should be given to *any* harm to the Green belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
14. Even allowing for the fact that the loss of openness would not be significant in this instance, I do not find that the harm caused by the development being 'inappropriate' would be 'clearly outweighed' by the other considerations. Accordingly, very special circumstances do not exist and the appeal fails because of its harmful conflict with Local Plan Policy RUD7 and national policy for the protection of Green Belts in Section 9 of the Framework.

Martin Andrews

INSPECTOR