

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/D3640/D/16/3159446

Kellsall, Scotts Grove Close, Chobham, Woking, Surrey GU24 8DU

- 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 Matt Gurden against the decision of Surrey Heath Borough Council.
 - The application, Ref. 16/0321, dated 31 March 2016, was refused by notice dated 23 September 2016.
 - The development proposed is a rear extension of 3.0m to the property; internal room re-organisation and first floor extension.
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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; (iii) the effect on the living conditions for adjoining occupiers as regards privacy, and (iv) 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. Although not specifically mentioned in the Framework it is standard practice for such additions to be assessed on a cumulative basis, with any new proposal taken with previous schemes that have increased the size of the building.
 4. The Surrey Heath Local Plan 2000 has been referred to by the Council in terms of its adoption changing the basis of assessment for extensions to dwellings in the Green Belt from a comparison with the existing dwelling to a comparison with the original building. However, my attention has not been drawn to any specific policy in the Local Plan on the Green Belt issue, either in the officers'
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report or in the Notice of Refusal. Nevertheless, as the Council's assessment method is consistent with that adopted in the Framework, I consider that I can determine the appeal mainly on the basis of Government policy in that document.

5. In this case, the officers' report explains that the appeal scheme would on a cumulative basis result in an additional 132.4sqm of floorspace above the original building's 76.8sqm, an increase of 172%. The appellant does not dispute this figure and whilst I note that it would be lower than the earlier refused scheme ref. SU/15/0717 I consider that doubling the original floorspace with a further two thirds and more would by any reasonable yardstick represent a 'disproportionate' addition.
6. Accordingly I conclude the proposal would be inappropriate development in the Green Belt, which paragraph 87 of the Framework says is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
7. Turning to issue (ii), the proposal would include a substantial increase in the bulk of the roof when seen from all aspects, but in particular in views from the rear garden of Kellsall and those of Alimuntar and Macrene on either side. The consequence of this would be a noticeable loss of openness, albeit the harm caused to the Green Belt in this respect would to some degree be offset by the fact that at least some of the other bungalows in the Close appear to have had roof extensions. These have resulted in a more dominant roof form for the properties, with a consequential reduction in openness in a road that still remains for the most part one of bungalows
8. Leaving the issue of Green Belt temporarily aside, issue (iii) relates to the second reason for refusal, which states that the proposed window in Bedroom 1 would have an unacceptable loss of privacy for the occupiers of Macrene. It is considered that this would be in conflict with Policy DM9 of the Surrey Heath Core Strategy and development Management Policies 2012.
9. However, I note from the grounds of appeal that the appellant is flexible on this matter and prepared to accept opaque glass or a skylight. The former would not provide acceptable living conditions in Bedroom 2 as it would be the only window, but a skylight would resolve the problem. Although not mentioned by the Council there is a similar issue with Bedroom 2, but as this would also have three windows in the rear elevation, the provision of opaque glass for the side window would in this instance be acceptable. In both cases there is scope for the imposition of conditions on any permission to prevent the loss of privacy, and in the absence of any Green Belt objection to the scheme I do not therefore see this issue as a sustainable reason for refusal.
10. Returning to the Green Belt with issue (iv), both the Supporting Statement for the planning application and the grounds of appeal argue that the proposal would do no more than bring Kellsall more in keeping with other dwellings in the road. In this context a number of other decisions enabling the enlargement of dwellings in the road have been cited.
11. The Council's response is that in some cases the amended policy in the Local Plan of 2000 has not been followed, whilst in other instances the percentage increase in floorspace is much smaller, at less than a 50% increase. However,

whilst I accept that on the face of it there has been some inconsistency in decision-making, the current position is that Government policy in the Framework of 2012 is very clear, namely that disproportionate additions to buildings cannot be regarded as acceptable in the Green Belt.

12. In this case I am satisfied that a 172% cumulative increase in the floorspace of the original building does not leave any doubt that the appeal scheme would be disproportionate and therefore inappropriate development. Thus whilst I have noted the other cases, I do not consider that they permit room for manoeuvre in the correct interpretation of Green Belt policy and I can therefore afford the other permissions only very limited weight.
13. In weighing the balance of arguments, I note that the Council has not objected to the scheme in terms of the effect on the appearance of the dwelling or the character and appearance of the area. In addition the privacy issue can be addressed by minor modifications secured by conditions. There are also other properties in the road that have had extensions that have increased the size of the original building. To some extent this would limit the harm caused by the noticeable loss of openness from the appeal proposal.
14. However, whilst these factors are arguments for a permission in this case, they must be set against the fact that the appeal scheme is 'inappropriate development' which is harmful by definition. Furthermore, paragraph 88 of the Framework says that in considering planning applications, 'substantial' weight should be given to *any* harm to the Green Belt (my emphasis).
15. Overall, I conclude that the combined harm that would be caused to the Green Belt by the proposal being inappropriate development and the resulting loss of openness that would occur is not 'clearly outweighed' by the other considerations put forward by the appellant.
16. As there are therefore no 'very special circumstances' in this case, the proposal cannot be justified as it is in unacceptably harmful conflict with Government policy in the Framework. The Local Plan for Surrey Heath also endorses this conflict in general terms.
17. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR