
Appeal Decision

Site visit made on 5 December 2016

by P W Clark MA MRTPI MCMI

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

Decision date: 15 December 2016

Appeal Ref: APP/C3620/D/16/3158548

Highwayman's Cottage, Fetcham Common Lane, Fetcham, Surrey KT22 9SG

- 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 S Wasko against the decision of Mole Valley District Council.
 - The application Ref MO/2016/0711/PLAH, dated 27 April 2016, was refused by notice dated 1 September 2016.
 - The development proposed is single storey side, rear and front extensions, two storey front extension following demolition of an area of existing first floor, installation of 3N^o dormer windows to existing loft space in front elevation and single storey extension link to existing garages.
-

Decision

1. The appeal is allowed and planning permission is granted for single storey side, rear and front extensions, two storey front extension following demolition of an area of existing first floor, installation of 3N^o dormer windows to existing loft space in front elevation and single storey extension link to existing garages at Highwayman's Cottage, Fetcham Common Lane, Fetcham, Surrey KT22 9SG in accordance with the terms of the application, MO/2016/0711/PLAH, dated 27 April 2016, 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 development hereby permitted shall be carried out in accordance with the following approved plans: 16H/04, 16H/05, 16H/06, 16H/08, 16H/09, 16H/10 and 16H/11.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials indicated on section 11 of the application form.
 - 4) Replacement bat roosting provision in the form of bat access tiles or bat tubes is to be installed in the new two storey front extension before its first occupation. Bat boxes are to be installed at least 3m above ground level on the south-western elevation of the retained building before any demolition work takes place.
-

Main Issues

2. These are;

- Whether the proposal would be inappropriate development in the Green Belt
- The effect of the proposal on the openness of the Green Belt
- Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and, if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

3. The proposal would be within the Green Belt. Paragraph 89 of the National Planning Policy Framework (NPPF) advises that the construction of new buildings is inappropriate in the Green Belt. Exceptions 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. Policy RUD7 of the Mole Valley Local Plan adopted on 12 October 2000 has a similar provision. Paragraph 5.45 of the plan defines original as the building existing in 1968. This differs from the Glossary of the NPPF which defines it as a building as it existed on 1 July 1948 or as first built if built subsequently. For the purposes of this appeal, the difference is immaterial.
4. There are various ways of judging whether a proposal would represent a disproportionate addition. One is to assess its footprint. The appeal site is a building reportedly dating originally from the seventeenth century but it is clear from a visual inspection that it has been repeatedly extended and altered over the years, most recently following a permission given in 1985. That extension has a footprint of about 52.5 sq m but replaced earlier building of unknown footprint. The appellant volunteers the information that the original footprint of the building was about 80 sq m and that the proposal would result in a footprint of about 190 sq m, an increase of about 137.5%.
5. But there is also an existing garage and workshop in the grounds with an original floorspace of 93 sq m, and a cottage of 37 sq m subsequently extended to 51 sq m. The total "original" footprint of the house and its outbuildings therefore totals 210 sq m and the total which would result from the extension now proposed would be 320 sq m, an increase of 52%.
6. There is also a recently constructed stables of about 158 sq m footprint. Neither the Council nor the appellant have brought this footprint into the argument, either as an "original" footprint or as a recent addition. I am content to do the same.
7. Another way of assessing the proportionality of an addition is by examining its floorspace. Information submitted suggests that the original floorspace was about 287 sq m in the house and its outbuildings combined and that the proposal would result in 458 sq m, a 59% increase.
8. The appellant claims that the General Permitted Development Order (GPDO) would permit extensions which could result in a footprint of about 359.5 sq m (71% increase over the "original") and a floorspace of about 483.5 sq m (68% increase). This could be constructed if the current appeal were to be

dismissed. Although no certificate of lawfulness has been produced to prove the point in detail, I have no reason to doubt the general thrust of the claim. The GPDO applies to the Green Belt without modification. It goes without saying that, in setting out the provisions of the GPDO the government has had regard to what would be proportionate and so the outworking of the GPDO gives a good indication of what should be regarded as proportionate or otherwise.

9. In the light of that information and notwithstanding the advice in the Council's officer report that the council's general guideline is that total floorspace should not be increased by more than 50% by extensions to dwellings within the Green Belt, the proposed extension cannot be regarded as disproportionate. It would therefore comply with that part of Local Plan policy RUD7 which requires that extensions to dwellings in the countryside should not be permitted if disproportionate to the existing dwelling.
10. I therefore conclude that the proposal would fall within one of the exceptions listed in paragraph 89 of the NPPF and that in consequence the proposal would not be inappropriate development within the Green Belt.

Openness

11. A proposal may be not inappropriate development in the Green Belt yet may still affect its openness. However, the courts have held¹ that where development is found to be not inappropriate in the Green Belt, it should not be regarded as harmful to its openness; the question of impact on openness is no longer an issue.

Other matters

12. Although the proposal would involve the removal or alteration of much of the remaining oldest part of the fabric of this ancient building, it is not a designated heritage asset and has not been recognised by the Council as an undesignated heritage asset. Indeed, the Council's officer report offers the opinion that in terms of design the extensions are not considered to result in a detrimental impact on the visual appearance of the existing property or the character of the area. This is a requirement of further provisions of Local Plan policy RUD7. It is not for me to take issue with this view.
13. As I have concluded that the proposal would not be inappropriate development within the Green Belt and there is no other harm identified, it follows that there is no need for any other consideration to outweigh any identified harm. I therefore allow the appeal, subject to a condition as suggested by the Council which would require the use of matching materials in order to ensure a satisfactory appearance to the development and to the condition recommended by the appellant's bat consultant.

P. W. Clark

Inspector

¹

Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404