
Appeal Decision

Site visit made on 12 December 2016

by Louise Phillips MA (Cantab) MSc MRTPI

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

Decision date: 28 December 2016

Appeal Ref: APP/L3625/D/16/3161121

Eyhurst Cottages, Outwood Lane, Kingswood KT20 6JS

- 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 McLean against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/01465/HHOLD, dated 20 June 2016, was refused by notice dated 6 September 2016.
 - The development proposed is a garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The decision notice refers to Policies Co1 and Ho9 of the Reigate and Banstead Borough Local Plan, 2005 (Local Plan). However, from the Council's report, it is clear that Policy Ho24A was relevant to its refusal of planning permission. This policy concerns extensions to dwellings outside urban areas, including in the Green Belt, and so it is relevant to my determination of the appeal. The appellants also consider the policy to be relevant (see Grounds of Appeal paragraph 4.3) and their Statement quotes from it and makes an assessment of the proposal against it, from paragraph 5.5. Therefore I am satisfied that the appellants' interests would not be prejudiced by my taking it into account.

Main Issue

3. The main issue is whether the proposed development would constitute inappropriate development in the Green Belt.

Reasons

4. The appeal site lies just to the east of the Eyhurst Farm complex which is surrounded by the Surrey Downs Golf Club. It is in the Green Belt. The dwelling now present on the site replaced a pair of semi-detached cottages which were demolished in 2006.
5. The National Planning Policy Framework (the Framework) states that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances (paragraph 87). The construction of new buildings in the Green Belt should be regarded as inappropriate, with specific exceptions including 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 (paragraph 89). Together Policies Co1 and Ho24A of the Local Plan provide a similar test, along with some local assessment criteria. They are broadly consistent with the Framework. Policy Ho24A allows for garages and outbuildings within 5m of the main dwelling to be considered as if they were extensions.

6. Policy Ho24A defines the "original" building as that existing on 19 December 1968, or as built if it was constructed after that date. The Framework defines the "original" building as that which existed on 1 July 1948, or, if it was constructed after that date, as it was built originally. The difference in the base date employed by these policies does not matter in this case because the appeal property was constructed after 2006 when the pair of cottages was demolished. The Council treats the cottages as the "original" building for the purpose of its assessment of the proposal, but they are gone and the appeal property is a wholly different development. It therefore seems both logical and reasonable to treat the latter as the "original" building.
7. However, the appeal property as it stands on the site today is not the replacement dwelling which was granted planning permission under Ref 03/01542/F. It comprises extensions permitted later under Ref 16/00202/F; and a shed permitted under Ref 16/01511/F. The planning history before me suggests that the extensions to the house might have been constructed at the same time as the main building. Whether or not this is correct, by the terms of the Framework and Policy Ho24A, the "original" building can only reasonably be that for which planning permission was originally granted.
8. The floor area of the replacement dwelling granted planning permission under Ref 03/01542/F measured 216sqm. The extensions and shed have already added another 126sqm, amounting to a 58% increase over what was originally approved. The garage now proposed would have a floor area of 20sqm and would take the cumulative increase in floorspace to 68%. Neither the Framework nor the Local Plan set a threshold for an acceptable increase in floor area, but this is nevertheless a relevant factor in the assessment of whether the size of an extension is proportionate. It seems to me that extensions which, taken together, would increase the floor area of the original appeal property by more than two thirds might well be disproportionate.
9. Policy Ho24A of the Local Plan provides that the form, bulk and height of the proposed extension in comparison to the original dwelling will also be relevant factors. It further requires that its impact upon the openness of the Green Belt should be taken into account. Viewed in isolation, the proposed garage would be a modestly sized and attractive building. However, in the Green Belt, the concept of "openness" has a physical dimension in respect of an absence of built form. In this context, the garage would add to the cumulative loss of openness in this part of the Green Belt which has resulted from the previously approved extensions. It might only increase the floor area of the existing dwelling by a small amount, but that is because the extended dwelling is already so large.
10. Moreover, the garage would be a significant additional mass on the most open part of the site to the west side of the house. It would be considerably larger in all dimensions than the existing shed, which is the only other building set away from the main house in this direction. It would interrupt the view

through the site to the golf course at the back and thus it would harm the openness of the Green Belt both physically and visually.

11. For the reasons above, I conclude that the proposed development, together with the existing extensions to the appeal property, would result in disproportionate additions over and above the size of the original dwelling. It would therefore constitute inappropriate development in the Green Belt. Furthermore, by virtue of the additional bulk it would introduce to the western part of the site, it would be harmful to the openness of the Green Belt. The appellant has not advanced any other considerations weighing in favour of the development which might amount to the very special circumstances necessary to justify it. No such considerations occur to me.
12. Thus the proposal would conflict with the provisions of the Framework and Local Plan Policies Co1 and Ho24A in respect of the protection of the Green Belt. I find no particular conflict with Policy Ho9 of the Local Plan, which relates more broadly to design principles. Nevertheless, the development would conflict with the development plan taken as a whole.

Other Matters

13. I have had regard to the concerns raised by interested parties including the potential for an increase in traffic, noise and disturbance. However, given my findings in relation to the main issue of the appeal, my decision does not turn on these matters.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

Louise Phillips

INSPECTOR