
Appeal Decision

Site visit made on 4 January 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 20th January 2017

Appeal Ref: APP/M3645/D/16/3156192

Briar Cottage, Weatherhill Common, Smallfield RH6 9JF

- 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 and Mrs C Jordan against the decision of Tandridge District Council.
 - The application Ref TA/2016/636, dated 7 April 2016, was part refused and part granted by notice dated 28 June 2016.
 - The development proposed is described as 'single storey rear extension, single storey front extension, car port, garden outbuilding, formation of Velux Juliette Balconettes'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Under the terms of planning application TA/2016/636 the appellants sought permission for the following items: (1) a single storey rear extension; (2) a single storey front extension; (3) a car port; (4) a rear garden outbuilding; and (5) the formation of three rear Juliette balconies. The Council issued a split decision and granted permission for items 3, 4 and 5 and refused planning permission for items 1 and 2. The appeal has been made in respect of the refusal of planning permission for the front and rear extensions (the extensions) and my decision therefore only concerns those elements of the development. At the time of my site visit the outbuilding was under construction and the development granted permission by the Council has therefore been commenced.
3. I have sought the appellants' and Council's views on whether or not the carport that has been granted permission should be treated as extension to Briar Cottage and I have had regard to the comments made concerning this matter.
4. The application was amended prior to its determination by the Council and I have therefore only had regard to the drawings listed on the Council's decision notice.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
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- the effect of the development on the openness of the Green Belt;
- the effect of the development on the appearance of Briar Cottage; and
- if the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

6. Briar Cottage is located within the Green Belt and the National Planning Policy Framework (the Framework) states at paragraph 87 that inappropriate development in the Green Belt is harmful by definition and should not be permitted. However, paragraph 89 of the Framework lists the types of new buildings which may be regarded as not being inappropriate development in the Green Belt, subject to certain circumstances. Development concerning the extension of buildings may be considered as being not inappropriate provided it will not result in a disproportionate addition over and above the size of the original building (the third exception listed under paragraph 89).
7. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014 to 2029 (the Local Plan), which was adopted in July 2014, echoes paragraph 87 of the Framework. Policy DP13 of the Local Plan identifies a number of types (exceptions) of new development in the Green Belt that may be considered as being not inappropriate and exception E (Extension and Alteration) is relevant to the consideration of the proposed front and rear extensions. Exception E indicates that extensions that would not result in disproportionate additions over and above the size of an originally constructed dwelling may be considered as being not inappropriate. For the purposes of exception E an originally constructed dwelling is defined as one that either predated 31 December 1968 (the relevant date) or '... if constructed after the relevant date, as it was built originally'.
8. Exception E, is essentially consistent with paragraph 89's third exception. Albeit that paragraph 89 makes no distinction between dwellings and other buildings and for the purposes of the Framework the definition of 'original' is 'a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally' (Annex 2 to the Framework).
9. Briar Cottage is a bungalow, with roof accommodation, with a planning permission dated 3 November 1998 (TA/98/732). The parties agree that the dwelling permitted in 1998 has a volume of around 286 cubic metres (m³) and that this property had not been enlarged prior to the appealed application's submission. The parties further agree that the extensions would have a volume of 126 m³. The appellant has submitted that the extensions would increase the volume of Briar Cottage by 44% and I am of the opinion that the volume of the dwelling permitted in 1998 should be the starting point for considering whether the extensions would or would not be disproportionate additions, having regard to the wording of Policy DP13 and the Framework. I consider that the volumetric increase of around 160% identified by the Council is inconsistent with Policy DP13 and the Framework and is thus incorrect. That is because the 160% figure's starting point is the volume of

the dwelling that existed prior to the 1998 permission's implementation and that dwelling no longer exists.

10. However, I consider that regard needs to be paid not only to the extensions but to the carport and outbuilding that have been granted permission under the split decision issued by the Council, especially as that permitted development has been commenced. While the carport and outbuilding were found by the Council to be inappropriate development they were considered to be permissible because of their compliance with the provisions of Policy DP14 of the Local Plan, with that compliance being taken to constitute very special circumstances outweighing the harm to the Green Belt.
11. Having regard to the wording of the third exception listed in paragraph 89 of the Framework, I consider the operation of local plan policies that separately address extensions and outbuildings within the Green Belt to be unusual. In that respect I note that the Inspector who examined the Local Plan referred to Policy DP14 as possibly being in conflict with the Framework¹. However, I recognise that the examining Inspector went on to accept that because of the large number of dwellings within the Green Belt in the Council's area having a policy that would specifically address outbuildings was a reasonable approach.
12. The carport will be sited immediately to the side of Briar Cottage and it will be a quite substantial structure in its own right and I consider that it should be considered as being an addition to Briar Cottage for the purposes of paragraph 89 of the Framework. In reaching that finding I recognise that the explanatory text that accompanies Policy DP13 at paragraph 13.4 advises that 'Detached structures within the curtilage of the building to be extended or altered will be excluded from the calculations', ie calculations of proportionately. However, the concern with the extensions raised by the Council in its reason for refusal is that those elements of the development would be inappropriate '... in that they would result in a progressive and disproportionate addition ...' to Briar Cottage.
13. I am of the opinion that together the extensions, the carport and the outbuilding would amount to a substantial increase in the amount of new built development within Briar Cottage's grounds, which would be significantly above the 44% change in the volume attributable to the extensions alone. I therefore share the Council's view that the extensions, as a significant part of the intended package of additions to Briar Cottage, would amount to a progressive and disproportionate enlargement of this property. It is unclear to me whether the provisions of Policies DP13 and DP14 envisaged a scenario of a multi-faceted set of proposals, such as those contained within the appellants' planning application. However, two of the four elements subject to the planning application have been granted permission and I consider that the decision to permit those elements is an example of the pragmatism referred to in the supporting text to Policy DP13.
14. For the reasons given above I conclude that the extensions would be inappropriate development within the Green Belt, having regard to the provisions of paragraphs 87 and 89 of the Framework and Policies DP10 and DP13 of the Local Plan. The development because of its inappropriateness

¹ Paragraph 41 of the Inspector's report to the Council, this report having been appended to the appellants' comments of 12 January 2017

would, by definition, be harmful to the Green Belt and I therefore conclude that great weight should be given to that harm.

Green Belt Openness

15. Paragraph 79 of the Framework states that openness is an essential characteristic of the Green Belt and as the extensions would add to Briar Cottage's bulk, there would be some loss of openness. However, Briar Cottage, like its neighbours, occupies a spacious plot and I therefore conclude that the loss of openness would be a small one, leading to limited conflict with paragraph 79 of the Framework.

Appearance of Briar Cottage

16. Given the wording of the reason for refusal and the way the development's effect on character and appearance has been assessed by the Council in its officer report, I take the Council's concern about the design of the extensions, most particularly that of the rear extension, to be in relation only to the effect on the appearance of Briar Cottage. In terms of the extensions' effect on the character and appearance of the area that is an issue that relates to the Green Belt's openness, which I have referred to in the preceding main issue. Hereafter I shall therefore primarily consider the effect of the extensions on the appearance of Briar Cottage.
17. The rear extension would occupy Briar Cottage's full width and would essentially be a flat roofed addition, given that the dummy pitched roof would be very shallow. I consider that the width and depth of the rear extension would mean that it would be a comparatively bulky addition that would not be in sympathy with the well-proportioned and simple lines of Briar Cottage. While the rear extension would share the eaves line and external materials of Briar Cottage I consider that those elements of its design would not militate against the bulk of this addition. I therefore find that the rear extension would not be subordinate to Briar Cottage and that it would be harmful to this property's appearance.
18. The limited number of properties in Weatherhill Common are individually designed. While there are some flat roofed additions in this street, I consider that because each property is of an individual design the primary focus for the consideration of this issue should be the rear extension's effect on the appearance of Briar Cottage. Accordingly I consider the presence of other flat roofs is of little bearing upon the assessment of this issue.
19. The front extension would be of very modest proportions and would result in the squaring off of the front elevation's north western corner. I therefore find the design and scale of the front extension to be unobjectionable.
20. For the reasons given above I conclude that the rear extension would be of an unacceptable design, which would be harmful to the appearance of Briar Cottage. There would therefore be conflict with Policy CSP18 of the Tandridge District Core Strategy of 2008 and Policy DP7 of the Local Plan because the rear extension would not be of a high standard of design. The harmful appearance of the rear extension, while having a localised effect, weighs significantly against this development.

Other Considerations

21. The scale and siting of the extensions would have no adverse effect on the living conditions of the occupiers of the neighbouring properties. I also recognise that the Council has raised no 'sustainability issues', which I take to mean there is no objection to the development in terms of the construction methods that would be used and/or the location of Briar Cottage in transportation terms. While the absence of harm with respect to the living conditions of the occupiers of the neighbouring properties and construction and transportation sustainability would be benefits of the development, I consider that they attract very limited weight.

Conclusions

22. I have found that the front and rear extensions would be inappropriate development in the Green Belt resulting in some loss openness to that area and that the rear extension would be harmful to Briar's Cottage's appearance. Those shortcomings of the development amount to substantial harm that outweigh the limited benefits I have referred to above in the 'other considerations' section of my reasoning. Accordingly there are not the very special circumstances necessary to justify inappropriate development within the Green Belt. I therefore conclude that the extensions would be contrary to the development plan and the Framework and that the appeal should be dismissed.

Grahame Gould

INSPECTOR