

Appeal Decision

Site visit made on 16 January 2017

by Ray Wright BA(Hons) DipTP MRTPI

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

Decision date: Wednesday 1 February 2017

Appeal Ref: APP/A3655/D/16/3162417

Sagana Lodge, Guildford Road, Mayford, Woking GU22 0SE

- 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 Kevin Gage against the decision of Woking Borough Council.
 - The application Ref PLAN/2016/0786 was refused by notice dated 16 September 2016.
 - The development proposed is 'two storey rear extension. New 1st floor windows to front side elevation (West).'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's 'Development Management Policies' Development Plan Document (DMP) was adopted in October 2016 after the Council's decision on the appeal scheme and I have taken this into account in consideration of this appeal.

Main issues

3. The appeal site is within the Green Belt and so the main issues in this appeal are:
 - whether the extension would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (Framework) and development plan policy;
 - the effect of the development on the openness of the Green Belt and on the character and appearance of the area, and;
 - if the development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to 'very special circumstances' necessary to justify it.

Reasons

4. The appeal property consists of a large detached dwelling in spacious grounds, within which are located a number of outbuildings and a swimming pool.

Whether Inappropriate Development?

5. The Framework confirms that the construction of new buildings inside a Green Belt is inappropriate with only limited exceptions. One exception is 'the
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- extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.'
6. Policy CS6 of the 'Woking Core Strategy' 2012 (CS) confirms strict control will apply against inappropriate development in accordance with the Framework. Policy DM13 of the DMP sets out more detailed guidance for developments within the Green Belt. It advises that, in relation to extension and alteration, for the purposes of the policy the original building will be that which existed on 1st July 1948 or, if it was constructed after the relevant date, when it was first built. The supporting text indicates that the expectation is that to be acceptable proposals will be in the range of 20 to 40% above the original volume of the building.
 7. A main difference between the parties relates to what constitutes the 'original building' in this case. The appellant indicates that the building as it is today dates from the mid 1970's and that this should be taken as the 'original building.' On that basis the extension, now proposed, would be within the current up to date policy parameters.
 8. However, the Council confirm that the original dwelling on the site dates from the early 1950's and refer to a planning permission for it. It is further indicated that the permissions granted in the 1970's (and associated works) solely involved alterations and extensions, albeit substantial, to that dwelling and this is supported by documents from the time.
 9. While I recognise that the form of the building appears to have been significantly altered in the mid 1970's, creating a two storey dwelling, from an original bungalow, there is nothing before me to indicate that permission was granted for a new house at this time. Therefore, to my mind, the 'original building' dates back to the 1950's. In addition, while no exact figures have been provided by either party, it is clear the volume of the original 1950's building has been substantially increased over time and the current works would add another, just under, 28% increase in volume.
 10. No specific comparisons have been made relating to the level of alteration in floor space that would take place, which is another mechanism for quantifying the degree of change. However, the appellant indicates that this development would, in itself, create a further footprint increase of around 28%.
 11. I accept that the extension proposed would not rise above the ridge line of the existing house and the design and materials have been carefully chosen to integrate with the building as currently existing. However, assessing proportionality is primarily an objective test based on size. By comparing the dwelling as it was in the 1950's to the one that would result if the proposal were to go ahead, the outcome, based on all the information and details provided would be disproportionate. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

Openness and Character and Appearance

12. The Framework identifies that an essential characteristic of Green Belts is their openness. In that the overall bulk of the dwelling would be increased by the additional built development, the proposal would reduce it. However, in isolation, the loss of openness would be small.

13. The Framework confirms good design is a key aspect of sustainable development. The form of the existing building would be changed by the proposed rear extension. However, the property has a relatively discrete location at the end of a private cul-de-sac and, with the proposed siting and design of the extension, it would have a limited effect on the character and appearance of the wider area.

Other Considerations

14. The appellant indicates that an extension or extensions at the property together with the erection of further outbuildings could be carried out as 'permitted development'¹. However, I have no definitive information as to whether this would be the case. This appeal relates solely to the Council's refusal of planning permission and is a determination made under Section 78 of the above Act. My determination of this appeal under this section of the Act does not affect the issuing of a further determination under Sections 191/192 of the same Act. In any event there is no clear evidence that any changes under 'permitted development' would be likely to be more harmful than the current scheme and would, to my mind, be likely to result in a reduced increase in volume to the property compared to the appeal proposal.
15. The appellant indicates that some of the existing outbuildings within the property's garden area could be removed as part of this scheme and that this and future developments could be controlled by appropriate condition. However, I have no specific information on the lawfulness of these buildings or their volumes and how these compare with the development proposed. In the circumstances I do not consider this approach, or associated condition put forward, would resolve the harm identified.

Conclusions

16. The proposal would be inappropriate development and the Framework establishes that substantial weight has to be given to the harm by reason of inappropriateness. There would be a small loss of openness and a limited impact on the character and appearance of the area. Little weight is attached to the potential for permitted development rights to be exercised. The other considerations put forward to support the proposal do not clearly outweigh the totality of harm which is the test they have to meet. Consequently, very special circumstances do not exist and the proposal is contrary to guidance in the Framework, Policy CS6 of the CS and Policy DM13 of the DMP. For the above reasons, I conclude that the appeal should be dismissed.

Ray Wright

INSPECTOR

¹ Under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).