



Appeal Decision

Site visit made on 10 February 2017

by Timothy C King BA (Hons) MRTPI

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

Decision date: 27 February 2017

Appeal Ref: APP/P3610/D/16/3164650

116a Reigate Road, Ewell, KT17 3BX

- 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 Bill Finn against the decision of Epsom and Ewell Borough Council.
 - The application Ref 16/00895/FLH, dated 14 September 2016 was refused by notice dated 9 November 2016.
 - The development proposed is '*single storey side extension.*'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey side extension at 116a Reigate Road, Ewell, KT17 3BX in accordance with the terms of the application Ref 16/00895/FLH, dated 14 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. KS615-PLN-01, KS615-PLN-102 Rev P1, KS615-PLN-02 Rev P1, KS615-PLN-10 Rev P1, KS615-PLN-11 Rev P1, KS615-PLN-12 Rev P1, KS615-PLN-110 Rev P1, KS615-PLN-111 Rev P1, KS615-PLN-112 Rev P1, KS615-ELE-20, KS615-ELE-120 Rev P1, KS504-ELE-21 Rev C1, KS504-ELE-121 Rev P1.
 - 3) The materials to be used in the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the flank wall of the extension hereby permitted.

Main Issues

2. Given the site's Green Belt location the main issues in this appeal are:
 - i) whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework;
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- ii) the effect of the proposal on the openness of the Green Belt;
- iii) whether any other harm would result from the proposal; and
- iv) if it is inappropriate development whether the harm by reason of inappropriateness and by reason of any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

3. The appeal property is a two-storey detached dwellinghouse, recessed considerably from Reigate Road and set within a generous curtilage. The proposal involves the intended erection of a ground floor side extension, the footprint of which is presently occupied by a single-storey car-port structure with a sloping roof.
4. As to what constitutes inappropriate development in the Green Belt I rely, firstly, on the relevant advice contained within the National Planning Policy Framework (the Framework), issued in 2012. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that the construction of new buildings should be regarded as inappropriate development therein. Paragraph 89, however, lists certain developments that would constitute exceptions to this and includes 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.
5. Policy CS2 of The Council's Core Strategy (CS) serves to exercise strict control over inappropriate development within the Green Belt. Moreover, Policy DM3 of the Council's Development Management Policies document (DMP), adopted in 2015, indicates that the replacement and extension of buildings in the Green Belt will be supported providing, in the case of replacement, that the new building is not materially larger than the one it replaces, taking into account floorspace, bulk and height. As regards extensions, the policy's wording comments that these should total no greater than 30% above the volume of the original building.
6. The Council has mentioned that the dwelling has already been extended by way of two-storey side and single-storey rear extensions, granted planning permission in the early 1990's. These additions taken together, would exceed the 30% threshold. At my site visit I witnessed both these extensions and accept the Council's assessment on this. Indeed, the appellant acknowledges this degree of increase. However, I have not been provided with any figures to specify by how much the threshold has already been exceeded. I also observed the car-port structure which, whilst not built under a planning permission, given its height, width and depth, would appear to satisfy the relevant criteria under householder permitted development entitlement. This structure counts as a further additional increase.
7. In light of the above, I conclude that, on the first main issue, the proposal constitutes inappropriate development within the Green Belt for the purposes of the Framework, and also exceeds the threshold set out in DMP Policy DM3.

Openness

8. The Framework states that an essential characteristic of Green Belts is their openness and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land within them permanently open.
9. The proposed extension would be slightly narrower than the existing car-port structure, but it would be very marginally deeper to align with the dwelling's rear building line. Further, its pitched roof would be higher than that overlying the car-port, although its eaves height of some 2.7m would still be modest in the context of the dwelling's size and extent. On this basis, and as I consider that the proposed extension would satisfactorily integrate into its immediate setting, I am not convinced that the Council has justified its considered view, as worded in the decision notice, that the proposal would cause significant harm to the openness and setting of the Green Belt. To my mind, given the particular circumstances, any harm caused in this regard would not be such as to impact on its openness.
10. On this main issue I conclude that the proposal's effect on the openness of the Green Belt would not be so significant as to be harmful thereto, and I find no material conflict to this end with the aims of CS Policies CS2 and CS5 or with DMP Policy DM3.

Other harm

11. Apart from the considered effect on the Green Belt itself the Council has not identified any other harm that would result from the proposal, and I agree with this approach.

Very Special Circumstances

12. As I have found the proposal to represent inappropriate development within the Green Belt it falls for me to consider whether any very special circumstances exist to override the presumption against development in the Green Belt, as made clear by the Framework. In the circumstances I have had regard to the existence of the car-port which the proposal seeks to demolish to make way for the replacement extension. As I have mentioned, in the absence of any information to the contrary, I have assumed that the car-port was built under permitted development rights. Moreover, in this context I have not been provided with any information to suggest that a fall-back position in this regard does not exist in relation to the proposed extension, given the dimensions specified.
13. On the above basis, and due to the rather minor material differences between the proposed extension and the structure it would replace, I am satisfied that the very special circumstances necessary to outweigh the objection to inappropriate development within the Green Belt have been demonstrated.

Comments from interested parties

14. I have had regard to the comments from interested parties made by way of written representations, at the application stage. Most of the concerns raised I have already addressed in my reasoning. However, I find no evidence that the proposal would give rise to the generation of noise aside, possibly, from that at the construction phase, and any such disturbance is easily controllable under

environmental legislation other than that of the Planning Acts. Neither do I consider that the proposal is of sufficient magnitude as to give rise to traffic or parking implications. Finally, the expectation that the property would be used for the occupation of persons with special needs is not a matter that falls for me to explore or determine. My remit is only to assess the planning merits, or otherwise, of the proposed side extension.

Conclusion and Conditions

15. Although I have found the proposal as amounting to inappropriate development within the Green Belt, I have also found that the proposal would not be harmful to its openness. Moreover, in weighing up the balance of evidence, I consider that the very special circumstances necessary to justify the development do exist and, having also had regard to all other matters raised, the appeal therefore succeeds.
16. In terms of conditions, in addition to the statutory time limitation requirement, I impose a condition stipulating the use of matching materials to ensure a satisfactory appearance. Also, in the interests of certainty, I impose a condition requiring that the development be implemented in accordance with the approved plans. Finally, to safeguard the privacies of the neighbouring occupiers, a condition prohibiting the installation of any windows in the extension's flank wall is added.

Timothy C King

INSPECTOR