

Appeal Decision

Site visit made on 24 January 2017

by Lynne Evans BA MA MRTPI MRICS

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

Decision date: 8 March 2017

Appeal Ref: APP/C3620/D/16/3164129

The Old Observatory, Sheephouse Lane, Abinger, Surrey RH5 6LP

- 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 A Barrack and Mrs J Le Messurier-Ritchie against the decision of Mole Valley District Council.
 - The application Ref: MO/2016/0367/PLAH dated 3 March 2016, was refused by notice dated 23 September 2016.
 - The development proposed is single storey front and rear extensions and first floor extension and refurbishment of internal layout.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - b) Its effect on the openness of the Green Belt,
 - c) Its effect on the character and appearance of the existing property and of the local area, with particular regard to its siting within an Area of Outstanding Natural Beauty and Area of Great Landscape Value; and
 - d) if the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Issue a) whether inappropriate development

3. The appeal property is a modest, detached house set on a very large plot in a small grouping of scattered residential development within an isolated rural
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location, within the Green Belt, the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV).

4. The National Planning Policy Framework (Framework) sets out the government's planning policies to secure sustainable development. One of its core planning principles at Paragraph 17, as amplified later in the Framework, includes *protecting the Green Belts*. Paragraph 87 confirms that *inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances*. Paragraph 89 sets out that the construction of new buildings is inappropriate except for a limited number of exceptions including the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building. The Framework does not define further the term 'disproportionate'.
5. The Council's refusal notice also refers to Policy CS1 of the adopted Mole Valley Local Development Framework Core Strategy adopted in 2009 (Core Strategy) and Policy RUD7 of the adopted Mole Valley Local Plan adopted in 2000 (Local Plan). I have noted the date of both plans but in so far as the policies are consistent with the Framework, I have taken them into account.
6. Policy CS1 of the Core Strategy sets out the spatial strategy for the district and requires development in the countryside to be considered in the light of countryside policies, particularly Green Belt policies. The supporting text to Policy RUD7 indicates that the objective is to continue to protect the open character of the countryside within and beyond the Green Belt and a criteria based approach is set out under the policy to consider applications, including criterion 1 as to whether the proposal would result in a disproportionate addition over and above the size of the original dwelling. The text further indicates that the relative increase in floorspace will be assessed together with whether the proposal would be out of proportion with the original dwelling in terms of form, bulk or prominence. It is agreed that the property, including the attached workshop/store, forms part of the original building.
7. Although it is not part of the supporting text nor within the policy itself, it would appear that the Council uses as an informal guide that an increase up to 30% of the original floorspace may be proportionate, whereas increases over 50% of the original floorspace would almost always be regarded as disproportionate, although consideration is necessarily also given to bulk, form and prominence. In terms of an increase in built floor space, the Council has calculated the increase to be in the order of 50% whereas the Appellants calculate the increase to be marginally less at 49.8%. Although there are detailed differences in approach, there is, therefore, no material difference in the percentage increase concluded by both the Appellants and the Council. I have no reason to take a different view.
8. However, I consider that in addition to the arithmetic calculations, an assessment of the form and scale and massing of the proposal needs to be considered as part of the assessment. In this regard, the existing property has a simple and compact L-shaped form. Whilst I recognise that many of the elements would be single storey only, the footprint of built development would be significantly extended and the bulk and form of the two storey element of

the dwelling, including both accommodation and an enclosed balcony, also considerably increased.

9. Although they would be cantilevered over the extensions and open underneath, the over-sailing roofs would, nonetheless, increase the overall extent of built form on the site. As a result, in my view, taking the extensions, enclosed balcony and roof overhangs together, the proposed development would appear significantly larger both in terms of footprint and bulk and massing than the original building.
10. The Appellants have also referred to the proposed demolition of the existing detached garage, tack room, and stables to the east of the existing building. The Appellants have undertaken a revised floorspace calculation to include these structures, although I note that the supporting text to Policy RUD7 clarifies that garages and detached buildings are not included in the calculations of whether a proposal would be considered a disproportionate increase to an existing building. Although I agree that their removal would offer some benefit to openness, they are small in scale and physically separate from the main dwelling. This would significantly reduce, in my view, the benefit to be gained from their removal on openness compared with the additional footprint, bulk and massing of the proposed extensions together with the proposed over-sailing roofs.
11. Taking all these matters together, it is my conclusion that the proposed development would be a disproportionate addition over and above the size of the original building. As a result I find the proposed development to be inappropriate development for the purposes of the Framework and development plan policy.

Issue b) Effect on Openness

12. Inappropriate development is, by definition, harmful to the Green Belt, as set out within the Framework and development plan policy. I therefore attach substantial weight to this harm. I have also considered whether there is any other harm.
13. Openness is the essential attribute of the Green Belt. Taking the extensions, enclosed balcony and roof overhangs together, and notwithstanding the proposed demolition of the existing separate garage, tack room, and stables, I consider that the building as proposed to be extended would appear significantly larger both in terms of footprint and bulk and massing than the existing built forms on the site. This harm to openness would therefore add to the harm I have already concluded.

Issue c) Character and Appearance

14. Criterion 2 of Policy RUD7 sets out that the development should not detract from the character and appearance of the existing dwelling or the rural character of the area. The existing property has a modest and compact form with a main part two storey and part single storey rectangular form of development, running north to south, with a small L- shaped return at the south-western end. The proposed addition of single storey structures, extending both to the south west and the north east would detract from this simple form. The combination of these two extensions, with the over-sailing

roof further extending the built form would be out of scale and proportion with the existing dwelling and detract from its modest and compact form. The bulk of the dwelling would also be further increased with the replacement of the attached single storey outbuilding/workshop with two storey development.

15. The concern is not related to the specific design style of the proposed extension and overall refurbishment to the existing property, but to the proposed change in form of the existing property. I therefore agree with the Council's conclusion that the proposed extensions would be out of keeping with the existing building and contrary to the second criterion of Policy RUD7 in that respect. This adds to the harm I have already found.
16. In terms of the effect on the local rural area, the existing property is within a small informal cluster of individual dwellings, but otherwise set in an isolated area of the countryside within a predominantly wooded landscape. Notwithstanding the frontage treatment and new solid gate, the property as existing can, and as proposed to be extended, would continue to be seen from the road and there is a public bridleway running along the frontage. As the surrounding dwellings are all sited in their own large plots and are all individual in their scale and form, I do not consider that the existing pattern of development would be materially altered. The proposals for the external appearance of the dwelling would make the property more noticeable than as existing but well designed modern structures are acceptable and encouraged in the AONB.
17. The Framework at paragraph 115 sets out that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The extended and remodelled property would continue to be read as part of this informal cluster of development.
18. I am therefore satisfied that the proposal would not harm the character and appearance of the local area, with particular regard to protecting the landscape and scenic beauty of the AONB and the valued landscape of the AGLV.

Issue d) would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Other Considerations

19. The Appellants have drawn my attention to a number of planning permissions granted within the same local authority area and further afield. It is a fundamental planning principle that each proposal must be considered on its individual merits and this is the basis of my assessment. I have nonetheless taken these other permissions and such information as has been provided into account but do not find any to provide a precedent to follow in this case. I therefore find that no weight can be afforded in support of the proposal in this regard.
20. I have considered the extensive works which have already been undertaken to the property and its grounds since it was acquired by the Appellants and the

support from neighbours, both in terms of bringing the building back into a good state of repair and in terms of the design approach to the further works proposed. Whilst this investment in the property is welcomed, it has already been completed and so limits the weight that I can attach in considering the current proposals to extend the property.

21. The positive views of neighbours are noted but they do not, in my view, carry more than very limited weight in support of the proposals.
22. I have also taken into account the Appellants' objective to secure a more sustainable building for the future, but it is not clear to me that the sustainability proposals are necessarily dependent on the extensions proposed. This limits the weight I can afford to this matter.
23. The Appellant has referred to the reduction in areas of hardstanding as a result of the proposals but this would not in my view materially affect openness which is the essential attribute of the Green Belt. This therefore limits the weight I can afford to this matter.

Planning Balance and Conclusion

24. In accordance with the terms of the development plan policies previously highlighted and paragraph 89 of the Framework, the proposed development would represent an inappropriate form of development in the Green Belt. The Framework requires that substantial weight must be attributed to harm by way of inappropriateness to the Green Belt. Additionally, I have found that the proposal would be unacceptably harmful to the openness of the Green Belt and further harm is added from the detrimental effect of the proposals on the character and appearance of the existing dwelling. Both of these findings add to the substantial weight I have found from the development being an inappropriate form of development in the Green Belt.
25. Whilst I have afforded weight in the planning balance to the other considerations raised in support of the development these, either individually or taken together, do not clearly outweigh the harm to the Green Belt and the other harm which I have identified. Consequently the very special circumstances necessary to justify the development do not exist.

Overall Conclusion

26. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR