

Appeal Decision

Site visit made on 13 April 2017

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 4th May 2017

Appeal Ref: APP/K3605/D/17/3169179

3 Meadway, Esher, KT10 9HG

- 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 J Cork against the decision of Elmbridge Borough Council.
 - The application Ref 2016/3449 dated 20 October 2016 was refused by notice dated 30 December 2016.
 - The development proposed is described as extensions including new pool building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site lies within the Green Belt and I therefore consider the main issues are:
 - Whether or not the development subject of this appeal represents inappropriate development in the Green Belt;
 - The effect of the development on the openness of the Green Belt;
 - If it does amount to inappropriate development, whether the harm by way of inappropriateness, and 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. Paragraphs 89-90 of the National Planning Policy Framework (Framework) define those categories of development, which may be regarded as inappropriate, subject to certain exceptions. One of those exceptions states that the extension or alteration of a building is not inappropriate in the Green Belt provided it does not result in disproportionate additions over and above the size of the original building. Policy DM18 of the Council's Development Management Plan (DM Plan) is broadly consistent with the Framework in this regard, and sets out a number of criteria relating to extensions and alterations to buildings in the Green Belt. This includes at part a. ii. of this policy,
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supporting proposals provided they do not result in an increase beyond 25% in volume or footprint.

4. The appeal site comprises of a detached dwelling, which has previously been extended. The dimensions of the original building have not been provided but the appellant has stated that the limits set out in Policy DM18 of the DM Plan were exceeded when the 1987 additions were approved.
5. The floorspace of the dwelling currently, including previous additions, has been calculated to be around 195.5 sqm by the Council. The proposed additions are also said to increase the size of the building by 191.5 sqm, which would nearly double the footprint of the current dwelling. Although the appellant states the 25% increase to the original building is somewhat arbitrary, I consider this numeric figure to be useful in establishing whether an extension would result in a disproportionate addition. I note that the dwelling was reasonably large when first constructed, but this is reflected in Policy DM18 of the DM Plan which sets out an increase in percentage terms. In any event, even discounting the previous additions to the original building, the appeal proposal would see a sizable addition to the property as it currently exists, well in excess of the 25% set out in in Policy DM18 of the DM Plan.
6. The appellant has stated that a detached building to house the swimming pool would not require planning permission and has set out the benefits of linking the swimming pool structure to the house. However, whether or not it is permitted development or ancillary to the main house, this element of the proposal is if for an extension to the existing building and it therefore needs to be considered as part of the assessment relating to an increase in size of the building.
7. I do however recognise that a numerical limit should not be the sole determinant in assessing such development, and it is necessary to consider, amongst other things, the form, bulk and the prominence of the proposal. I note the small increase in the footprint of the dwelling, if the rear swimming pool part of the proposal, is discounted. The development also however includes a part first floor and part two storey extension which, although not exceeding the height of the existing dwelling, would add significant mass to the appeal building in a prominent position. I do not therefore consider the proposal is for a small amount of additional building and the development would amount to a disproportionate addition to the original building.
8. I therefore conclude that the proposed development amounts to inappropriate development, which is, by definition, harmful to the Green Belt. As such, it conflicts with Policy DM18 of the DM Plan and with Paragraph 87 of the Framework, which specifies that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

9. Paragraph 79 of the Framework notes that the Government attaches great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. I acknowledge that the Green Belt is not uniformly open and that there is development along Meadway. The site is nonetheless within the Green Belt and the Framework

identifies the essential characteristics of Green Belts are their openness and permanence.

10. Despite the built-up nature of the area, the proposal represents an additional form of built development in the Green Belt and will have an effect on the openness of the Green Belt.
11. I therefore consider that the proposed development would harm the openness of the Green Belt and that there would be conflict with Paragraph 79 of the Framework and Policy DM18 of the DM Plan.

Other Considerations

12. The proposed development constitutes inappropriate development, harmful to the Green Belt. The presumption against inappropriate development means that this harm alone attracts substantial weight. The development would also reduce the openness of the Green Belt. The Framework makes it clear that substantial weight should be given to any harm to the Green Belt.
13. The appellant has stated that the proposal seeks to produce a better balanced and less fragmented design and I note the Council have not raised any concerns in relation to the impact on the character of the area and the streetscene. Whilst this matter weighs in favour of the proposal and gains some policy support, it would not clearly outweigh the harm by way of inappropriateness that I have identified.
14. I note the proposal would not harm the living conditions of the neighbouring occupants and that there would be no conflict with the purposes of including land within the Green Belt. These are however natural considerations and not benefits of the proposal.
15. Consequently the very special circumstances necessary to justify the development do not exist and the development would be contrary to the Framework.

Conclusion

16. Having had regard to all the matters before me, including representations made by nearby residents, I find nothing to materially affect my findings above. The appeal must therefore fail.

F Rafiq

INSPECTOR