

Appeal Decision

Site visit made on 20 April 2017

by D Cramond BSc MRTPI

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

Decision date: 10 May 2017

Appeal Ref: APP/K3605/D/17/3168484

87 Thames Street, Weybridge, Surrey, KT13 8LR

- 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 Weybridge Marine Ltd against the decision of Elmbridge Borough Council.
 - The application Ref 2016/2835, dated 7 September 2016, was refused by notice dated 9 November 2016.
 - The development proposed is extensions and alterations to convert existing single storey house into a two-storey house.
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Decision

1. I dismiss the appeal

Preliminary Matters

2. I use the Council's description of development which is more concise than the application form; I note the Appellant also uses this on the appeal form.
3. An appeal by the same Appellant for a broadly similar development at adjoining No 89-91 Thames Street is referenced APP/K3605/D/17/3168483.

Main issues

4. I consider the main issues are:-
 - Whether the proposal constitutes an inappropriate form of development within the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy.
 - The effect of the development on the openness of the Green Belt.
 - The effect of the development on flood risk within the locality.
 - The effect of the development on parking within the locality.
 - The effect of the development on the character and appearance of the locality.
 - If the development is inappropriate to the Green Belt for the purposes of the Framework and development plan policy, whether the harm by reason of that inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to exist to justify the development.
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Reasons

5. The appeal property is an end of terrace building of pleasing waterside character with timber board clad exteriors and a rear deck. It sits alongside No 89, a small dwelling, with boatyard premises (No 91) beyond that. It comprises a modest single storey one bedroom dwelling with a side garden area on a small river-side plot with access directly off the Thames Street footway. The area is one of varied architectural, period and scales of building and similarly varied landscape and has some commercial uses mixed with residential environs. The whole comes together to form an area of established and interesting character and excellent aesthetic value.
6. The proposal is as described above. It would embody a ridge height increase of some 1.5 metres with dormers / rooflights to the front and rear to incorporate habitable accommodation at first floor along with the replacement of a flat roof rear extension a little larger than the present one at about 1.9m depth and 3.8m width alongside replacement decking. The scheme would provide for living accommodation at ground floor level with three bedrooms and a bathroom over this.

Whether the proposal is inappropriate development

7. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The extension of an existing building is not, however, inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. There is no definition of 'disproportionate additions' in the Framework. Contrary to the Appellant's assertion, there is no national policy recognition that the break point is a 50% increase in volume and/or footprint.
8. The national policy advice has to be read together with the relevant development plan policy which in this case includes Policy DM18 of the Council's Development Management Plan 2015 (DMP). This policy, amongst other matters, seeks to protect the openness of the Green Belt and supports sympathetic well designed extensions to buildings provided that there would not be an increase beyond 25% in volume and 25% in footprint and that there would not be a material increase in the overall height of the building.
9. The Council Officer's report explains how the appeal scheme would vary the footprint upwards by an increase significantly less than 25% but would increase the volume by some 35% and change the maximum height from about 3.9m to around 5.4m. I have no reason to dispute the figures and the Appellant does not argue against them or provide alternative evidence.
10. In my opinion, with the '25% limit' embedded in established development plan policy, it would seem reasonable to apply this measure of acceptability in this instance. Taking the added volume and giving it consideration alongside what would be a marked increase in overall height of the building, the appeal would represent a change of significant scale and addition to the original dwelling.
11. I am in no doubt that the proposal before me would represent disproportionate additions to the original building and run contrary to the prevailing policy control for development in the Green Belt.

12. On the first issue, I therefore conclude that this proposal would represent inappropriate development for the purposes of the Framework and would conflict with the pertinent DMP Policy DM18; it would result in a disproportionate addition over and above the size of the original building. I attach substantial weight to the harm caused by this scheme representing inappropriate development.

Effect on Openness

13. The Framework makes it clear that an essential characteristic of Green Belts is their openness. Open can mean the absence of development irrespective of the degree of visibility of the land in question from public vantage points; development which would harm openness could be acceptable visually. In other words, openness of the Green Belt has a spatial aspect as well as a visual aspect and an absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of development.
14. In this case the proposal would involve the addition of considerable and notable new volume, bulk and height of development. The change over the existing situation would be appreciable and the scheme would make a marked difference to openness within this area. In common with the Framework, DMP Policy DM18, as noted above, seeks to protect openness. I conclude that there would be conflict with a key objective of development plan policy and the Framework and I attach substantial weight to this impact upon openness of the Green Belt.

Effect on flood risk within the locality

15. The Council points out that the appeal site is located within Flood Zone 3 and 3b (functional floodplain), where water has to flow or be stored in times of flood, or is land purposely designed to be flooded in an extreme flood event. It raises concern that the Flood Risk Assessment fails to provide a site specific assessment of the impact of the development on flood flows or on the capacity of the floodplain to store water, with appropriate mitigation where required. Hence the case is made that the proposal fails to demonstrate that the development would not increase the risk of additional flooding elsewhere. However, the scheme would increase the ground floor area by only around 3 square metres; a modest increase to my mind. Furthermore this new element would have a green roof and be set on stilts with scope for flows and water storage below and as part of scheme which would not see any marked increase in run-off rates over the existing situation. I also note that the Environment Agency has not raised objection.
16. Against this background I conclude that there would not be conflict with Policy CS26 of the Elmbridge Core Strategy 2011 (CS) or the relevant objectives of the Council's Flood Risk SPD 2015. On this issue I find no harm and this is a neutral factor which would not weigh for or against the proposal.

Effect on parking within the locality

17. The proposals may not unequivocally specify the parking detail that could be incorporated. Nevertheless it is clear to me that a) the extension of the existing dwelling would lead to little if any additional parking demand; b) the location is a sustainable one where flexibility on parking levels would be appropriate; and c) the ownership by the Appellant of the wider area including

an extensive nearby operational car park could readily provide suitable parking controlled by reason of a planning condition. Furthermore the Appellant makes the point that use in part of this car park is already an occurrence for residential occupancy within the boat yard site.

18. Given all of the forgoing I conclude that there would be no conflict with the provisions of DMP Policy DM7 which amongst other matters seeks to prevent increased on-street parking stress to the detriment of amenity enjoyed by local residents. On this issue I find no harm and this is a neutral factor which would not weigh for or against the proposal.

Effect on character and appearance of the locality

19. The Council is content on this issue in connection with the scheme although third parties do set out strong concerns and I see validity in considering this matter as a principal factor. The row of properties 87-91 Thames Street is noteworthy from the street-side by reason its diminutive scale and traditional, river-side, simple and pleasing appearance. Having roofs down at low single storey level is an unusual feature and enables added prominence for nearby trees. There is a step up in roof height from No 91 to No 89 which then runs level with the appeal property and there is a pattern of increased height as one heads southwards along Thames Street. Nevertheless the change proposed to No 87 would be visually awkward in the scene. This end of terrace would look bulky from all angles seen in the context of its low-key adjoining structures. There would be some erosion of the present subtle scene.
20. On this basis I conclude that there would not be full compliance with DMP Policy DM2 and Policies CS4 and CS17 of the CS which, taken together and amongst other matters, seek to ensure that development represents suitably scaled good quality design generally which would protect local distinctiveness and the character of an area. I attach significant weight to this issue.

Other considerations

21. The Appellant notes that the bungalow requires a number of remedial works after falling into disrepair and from my external visit I would recognise that to be the case.
22. The Appellant also underlines that the site is within the Flood Zone 3b (functional floodplain) and is considered to be at significant risk from flooding. The last significant flood is cited as in 2014 when the water levels penetrated the office and workshop (No 91) but did not cause ingress into the bungalow albeit there is stated to have been significant risk from flooding at that time. The Appellant stresses that by relocating habitable spaces, more particularly more vulnerable sleeping accommodation, to the upper floor this site, which is subject to potential flooding, will be better protected from harm and provide a more sustainable and safe dwellinghouse. The Appellant lists a range of measures which would be embodied within the scheme including, amongst other matters, wet and dry proofing, robust materials and accommodation at ground floor, raised electrical sockets and suitable exits and ventilation. Higher quality, and enhanced sustainability, of accommodation will be provided and "the flooding mitigation measures incorporated through a considered design approach should be considered 'special circumstances' for enabling deviation from the Policy" (Statement of Case page 8). I can fully

appreciate that having an upper floor would assist in times of flood and its existence would be a positive attribute as would the other planned measures albeit I have no evidence that the existing building has been subjected to flooding.

23. The Appellant explains that pre-application advice was followed wherein the Council encouraged a whole-width extension solution to seek to achieve architectural cohesion rather than early designs showing set-ins from each side of the building. The Appellant reads this as the Council not being overly-zealous on the precise restrictions within DMP Policy DM18 and now sees a contradiction which is deemed unhelpful. However I do note this informal officer opinion nevertheless still advises that any application should be accompanied by precise footprint and volume calculations and I am not convinced the letter clearly indicates that DMP Policy DM18 would be treated with any great degree of flexibility dependent upon the architectural merits of any scheme.
24. The Appellant further explains the range of architectural styles and scales found locally, sets out some of the design cues which were used, and cites the residential scheme at nearby Whittets Ait as precedent for new development in the Green Belt. I do not know the full circumstances behind that development. However with a different site and planning history, a planning permission date of 2006 within a previous planning policy regime, and a quite different design approach I do not recognise a precedent being set and in any event I must assess the case before me on its own merits.
25. I would give each of the considerations put forward by the Appellant limited weight.

Balance and conclusions

26. 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 above that the proposal would be unacceptably harmful to the openness of the Green Belt and this also carries substantial weight.
27. 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 its openness which I have identified. Therefore, very special circumstances do not exist and permission should not be granted as the proposal is contrary to guidance in the Framework.
28. The fact that the development would have adverse impact upon the character and appearance of the locality is a matter that adds to my concerns over the proposal. However, whatever my conclusions on this non-Green Belt harm it would not have made any difference to my findings on the question of very special circumstances.

Overall conclusion

29. My overall conclusion is that the proposal would not accord with the pertinent policy elements of the Framework and the development plan. The appeal should therefore fail.

D Cramond

INSPECTOR