

Appeal Decision

Site visit made on 10 April 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 16 May 2017

Appeal Ref: APP/D3640/D/17/3169550

Clearwood, Steep Hill, Chobham, Woking GU24 8SZ

- 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 Roger Wilcocke against the decision of Surrey Heath Borough Council.
 - The application, Ref. 16/1069, dated 15 November 2016, was refused by notice dated 23 January 2017.
 - The development proposed is demolition of the existing garage and accommodation over; erection of two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing garage and accommodation over; erection of two storey side extension at Clearwood, Steep Hill, Chobham, Woking in accordance with the terms of the application, Ref. 16/1069, dated 15 November 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 shall be carried out in accordance with the following approved plans: Series No. 10477: Drawing Nos. 01 BR A; 02 BR A; 03 P; 04 BR;
 - 3) The materials to be used in the construction of the external surfaces of the development 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 revoking and re-enacting that Order), no further extensions to the dwelling or additions to the roof shall be erected under Schedule 2, Part 1, Class A or Class B of that Order; and no buildings, enclosures, pools or containers incidental to the enjoyment of the dwelling house shall be erected under Schedule 2, Part 1, Class E of that Order;
 - 5) The development hereby permitted shall not be constructed until any additional outbuildings constructed after the date of this Decision have been demolished and all resultant debris removed from the site;
 - 6) Prior to the commencement of development: (i) the existing garage shall be demolished, and (ii) the debris and hard surface parking area removed.
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Main Issue

2. The Council has not referred to any development plan policies relating to the Green Belt in either the Delegated Report or the Notice of Refusal. The main issue is therefore whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2012 ('the Framework').

Reasons

3. The third bullet point of paragraph 89 of the Framework explains that the extension or alteration of a building is not inappropriate development provided it does not result in disproportionate additions over and above the size of the original building.
4. The Council has calculated that in terms of floor area the dwelling currently has 310sqm, an increase of 91% on the original building. The appeal proposal would result in an area of 369sqm, an increase of 127% on the original. The Framework refers to the size of the building rather than just floor area, but if the figure of 127% is considered on its own I agree with the Council that it would not be anything but 'disproportionate' for the purposes of the Framework.
5. However within reasonably close proximity to the dwelling, and with a functional and visual relationship to it, is a separate garage building with accommodation on a first floor constructed within the roof space. The appellant proposes to demolish this building as part of the proposal. The Council's figures are that this would remove a floor area of 65sqm, some 6sqm more than the 59sqm proposed extension. Thus the net effect of the proposal is to actually reduce floor space rather than increase it.
6. The Council has referred to the height of the extension at 8m being 2m higher than the 6m height of the garage building, but does so in the context of an assessment on the effect on openness rather than part of a comparison of volumes before and after the development. In the absence of calculations I cannot be sure as to whether or not the volume of development would increase, but allowing for the fact that the garage building has a larger footprint than the proposed extension and that the latter would have a hipped roof I am not convinced that in the event of any increase it would be significant.
7. Drawing these factors together I do not consider that the net effect of the proposed development (including the proposed element of demolition) would be one of a 'disproportionate addition' over and above the size of the original building. Accordingly, I conclude that having regard to the third bullet point in paragraph 89 of the Framework the appeal proposal falls within the stated exceptions and would not be inappropriate development in the Green Belt. Consequently the issue of whether there are very special circumstances does not arise.
8. The Council has also referred to the effect on the openness of the Green Belt as part of its reasons for rejecting the scheme. However, following the Court of Appeal's 2015 decision in the case of *Lee Valley Regional Park Authority v Epping Forest District Council* it is clear that the impact on openness is implicitly taken into account in the Framework's list of exceptions unless there is a specific requirement to consider the actual effect on openness (for example the

second bullet point of paragraph 89 and all the categories of development in paragraph 90). Therefore, for those exceptions within paragraph 89 where the effect of the development on openness is not expressly stated as a determinative factor in gauging inappropriateness, including the extension or alteration of a building in the third bullet point, there is no requirement to assess the impact of the development on the openness of the Green Belt.

9. The Council has not identified any non Green Belt harm arising from the proposal, and as I have concluded that the appeal scheme would not be inappropriate development I shall allow the appeal. The Council has included some suggested conditions in the Appeal Questionnaire and I agree that these are reasonable and necessary. However, a number of the conditions have a discretionary element and I shall remove this to ensure that any application for their relief or variation is subject to due process with appropriate consultation.
10. A condition in respect of matching materials is needed to ensure that the appearance of the building is safeguarded in the interests of visual amenity, whilst a condition requiring the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.
11. The restriction of permitted development through a condition will preserve the openness of the Green Belt, as will a condition precluding the construction of outbuildings before the development is commenced. Finally, a condition stipulating that the garage building is removed before the construction of the extension will ensure that inappropriate development is not carried out by default and thereby ensure adherence to Government policy on Green Belts in the Framework.

Martin Andrews

INSPECTOR