

Appeal Decision

Site visit made on 18 May 2017

by **R J Maile BSc FRICS**

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

Decision date: 01 June 2017

Appeal Ref: APP/C3620/D/17/3170621

Oakwood House, Parkgate Road, Newdigate, Dorking, Surrey, RH5 5DZ.

- 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 Christian Lawson against the decision of Mole Valley District Council.
 - The application ref: MO/2016/1751/PLAH, dated 1 November 2016, was refused by notice dated 19 December 2016.
 - The development proposed is "Erect side extension to existing two storey dwelling, convert loft space and erect single storey rear extension."
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Decision

1. The appeal is allowed and planning permission is granted to erect side extension to existing two storey dwelling, convert loft space and erect single storey rear extension at Oakwood House, Parkgate Road, Newdigate, Dorking, Surrey, RH5 5DZ, in accordance with the terms of the application ref: MO/2016/1751/PLAH, dated 1 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) no extensions or alterations within Classes A, B or C of Schedule 2, Part 1 of that Order shall be made without the prior written approval of the Local Planning Authority.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no.

1161 3_001 Rev A: Proposed Plans and Elevations – scale 1:100.

1161 3_002 Rev A: Location Plan – scale 1:1250; Site Plan – scale 1:500.

1161 3_003: Existing Floor Plans and Elevations – scale 1:100.

Main Issues

2. The main issues in this case are:

- a) Whether the proposal would be inappropriate development within the Green Belt for the purposes of national policy and the policies of the Development Plan.
- b) The effect of the development upon the openness of the Green Belt and the purposes of including land in it.
- c) The impact of the development upon the character and appearance of the surrounding area.
- d) If the proposal is inappropriate development whether the harm by reason 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

a) *Whether inappropriate development.*

3. Oakwood House comprises a detached two storey dwelling, which forms part of a ribbon of residential development within open countryside beyond the village of Newdigate. It is located within the Metropolitan Green Belt.
4. National policy in the Framework¹ states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (see paragraph 87). Paragraph 89 does allow for some exceptions, including 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. An "original building" is defined in the Glossary to the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
6. "Saved" Policy RUD7 of the Local Plan² specifically relates to the extension of dwellings within the countryside. The supporting text to the policy states:

"In assessing whether a proposed extension is a disproportionate addition, account will be taken of the relative increase in floorspace and also whether the proposal would be out of proportion with the original dwelling in terms of its form, bulk or prominence."
7. Policy CS 1 of the Core Strategy³ states: *"In the countryside, development will be considered in the light of other policies within the Core Strategy and the provisions of PPG2⁴ ..."*
8. Neither the policies nor any of the adopted guidance set out in numerical terms what constitutes a disproportionate addition. The Officer's Report refers to a

¹ The National Planning Policy Framework.

² The Mole Valley Local Plan (adopted October 2000).

³ The Mole Valley Local Development Framework: Core Strategy (adopted October 2009).

⁴ Planning Policy Guidance 2: Green Belts (now replaced by the Framework).

50% upper limit as a guideline when assessing whether or not an extension in the Green Belt would represent inappropriate development. In its totality the scheme before me would equate to an increase in floor area of some 104%, thereby far exceeding the Council's guideline figure.

9. Against this policy background, therefore, I conclude that the extensions as a whole would represent a disproportionate addition over and above the size of the original building.
10. For this reason I have found upon the first main issue that the proposal would comprise inappropriate development within the Green Belt for the purposes of national policy and the policies of the Development Plan.

b) Effect upon openness of Green Belt.

11. The design of the original house is unusual, having a catslide roof to the east elevation.
12. The proposed side extension would create a more traditional roof form. Given the proximity of this element of the scheme to the adjacent property (Parkgate House) it would appear as a modest increase to the bulk of the roof structure which, in turn, would sit more comfortably in design terms with that of its neighbour.
13. The single storey extension would, for the most part, span the rear elevation and incorporates a flat roof. The new structure would be seen against the backdrop of the original two storey dwelling, thereby reducing its visual impact.
14. I therefore find upon the second main issue that development as proposed would not have any material impact upon the openness of the Green Belt or the purposes of including land in it, as required by national policy in the Framework, Policy CS1 iii. of the Core Strategy and "saved" Policy RUD7 ii. of the Local Plan.

c) Impact upon character and appearance.

15. Oakwood House is located within a ribbon of two storey dwellings of differing designs on either side of Parkgate Road. The alterations as proposed are well designed and are in keeping with the form of surrounding development.
16. For these reasons I find upon the third main issue that development as proposed would not have a harmful impact upon the character and appearance of the surrounding area and would accord with national policy at Chapter 7 (Requiring good design) of the Framework, Core Strategy Policy CS14 and "saved" Policies ENV22, ENV32 and RUD7 of the Local Plan.

d) Other considerations.

17. Material to my decision is the grant of planning permission on 19 December 2016 (ref: MO/2016/1754/PLAH) for an identical first floor extension to the subject property, incorporating additional bedrooms and a loft conversion. I have been provided with a copy of that planning permission and approved drawings.

18. It is also relevant that by notice dated 6 February 2017 the Council has confirmed that a single storey rear extension 8m in depth could be constructed at Oakwood House under Permitted Development rights and that prior approval is not required. I have a copy of that notice (ref: MO/2017/0003/PNHH) and of the submitted drawings.
19. Condition 3 imposed upon planning permission MO/2016/1754/PLAH removes certain Permitted Development rights. Nevertheless, a situation exists whereby the appellant could choose to erect the 8m rear extension before constructing the side extension permitted in December 2016, such that both structures could lawfully be built.
20. Both elements of the scheme before me have been well designed and, having regard to their siting and dimensions, would not have any unacceptable impact upon the residential amenities of neighbouring occupiers.

The Green Belt Balancing Exercise

21. I have found above that the proposed extensions would comprise inappropriate development within the Green Belt. This, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances.
22. In arriving at my decision to allow the appeal I have taken account of the fall-back position provided by the grant of planning permission for an identical side extension, as detailed above, together also with the Council's confirmation that a single storey rear extension 8m in depth could be constructed under current Permitted Development rights.
23. The single storey extension proposed by the scheme before me is preferable to that which could be constructed given its reduced depth and overall floor area and, therefore, its impact upon the openness of the Green Belt.
24. I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development.

Conditions

25. The Council has suggested a total of four conditions to be imposed should I be minded to allow the appeal, which I have considered against the tests of the Framework and advice provided by the Government's Planning Practice Guidance issued on 6 March 2014. I find all to be reasonable and necessary in the circumstances of this case.
26. My reasons for the conditions are:
27. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area.
28. Condition 3 will allow the Local Planning Authority to exercise control over any future development at the appeal site given the location of the property within the Metropolitan Green Belt, where strict policies of restraint apply.

29. Condition 4, requiring the development to be carried out in accordance with the approved plans, provides certainty.

Conclusion

30. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR