

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/K3605/D/17/3172856

Little Burvale, 175 Burwood Road, Hersham, Walton-on-Thames, Surrey, KT12 4AU.

- 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 C Wilson against the decision of Elmbridge Borough Council.
 - The application ref: 2016/4125, dated 13 December 2016, was refused by notice dated 16 February 2017.
 - The development proposed is double storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for double storey side extension at Little Burvale, 175 Burwood Road, Hersham, Walton-on-Thames, Surrey, KT12 4AU, in accordance with the terms of the application ref: 2016/4125, dated 13 December 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 extension hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no.

- | | |
|--------------------|--|
| - | Site Location Plan (Existing and Proposed) – scale 1:1250. |
| - | Block Plan (Existing and Proposed – scale 1:500. |
| LBBR/XX/GA/135/01: | Existing and Proposed Layout Plans – scale 1:100. |
| LBBR/XX/GA/300/01: | Existing and Proposed Roof Plans – scale 1:100. |
| LB/XX/EL/400/01: | Existing and Proposed Elevations – scale 1:50. |
| LB/XX/EL/400/02: | Existing and Proposed Elevations – scale 1:50. |
| LB/XX/EL/400/03: | Existing Elevations – scale 1:50. |
-

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) 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. Little Burvale is a substantial two storey detached house standing in extensive grounds of 1.8 ha. It is located on the south side of Burwood Road within the Green Belt. The surrounding area is characterised by large detached dwellings set in their own spacious plots, many set back from the road frontage.
4. National policy in the National Planning Policy Framework ('the Framework') contains a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances (paragraph 87). Paragraph 89, however, sets out a number of 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. In line with national policy at paragraph 14 of the Framework, Policy DM1 of the Local Plan¹ sets out a presumption in favour of sustainable development.
7. Policy DM18 relates specifically to the development of existing buildings within the Green Belt. It states that support will be given to proposals that do not have a materially greater impact upon the openness of the Green Belt and, in particular, are well designed, do not materially increase the overall height of the building and do not result in an increase beyond 25% in volume and 25% in footprint as compared to the original building.
8. In the subject case the original building had a floor area of 420m². Following the grant of planning permission in 1994 (ref: 94/1129) the dwelling was extended by some 320m², representing a 76% increase in floor area over the original building. These works included a swimming pool, single storey side extension, single storey front extension, infill extension and a rear conservatory and the extension of the second floor between the two rear-facing dormers.

¹ The Elmbridge Local Plan: Development Management Plan: adopted April 2015.

9. The current proposals would add a further 98m² of floorspace which, including the extensions permitted by virtue of the 1994 planning permission, would result in an increase in floor area of 99.5% as compared to the original building.
10. Accordingly, I have concluded that development as proposed would represent a disproportionate addition over and above the size of the original building. As such, I find upon the first main issue that the proposal would be inappropriate development in the Green Belt for the purposes of national and Development Plan policy.

b) Effect upon openness of Green Belt.

11. There is an existing single storey extension to the southwest flank elevation of the dwelling. The current proposals would incorporate this structure into a two storey addition to this wing of the house. Importantly, its roof would be lower than that of the host building, while the extension would be set back from both the front and rear elevations in order to reduce its prominence.
12. Of particular relevance is the fact that Little Burvale is set in a very substantial plot, with mature screen planting around the perimeter. The wider Green Belt within which the dwelling is situated includes numerous detached houses within a low density setting.
13. In combination, these factors have led me to find upon the second main issue that having regard to the size of the host building and the detailed design of the extension, development as proposed would have a minimal impact only upon the openness of the Green Belt and the purposes of including land in it as required by national policy in the Framework and Policy DM18 a. of the Local Plan.

c) Other considerations.

14. The extension would be set within an extensive residential plot screened in views from the public realm. It would be well designed to respect the features of the original dwelling. Given the separation distances between the appeal site and the neighbouring properties there will be no impact upon the amenities of neighbouring occupiers in terms of loss of light, outlook or privacy.
15. The extended dwelling will provide enhanced family living accommodation for the appellants and their children to incorporate more spacious bedroom and playroom facilities appropriate for a large house in such an extensive curtilage.

Green Belt Balancing Exercise

16. I have found above that the scheme before me comprises inappropriate development, which by definition is harmful to the Green Belt. Substantial weight must be attached to that harm and planning permission should not be granted unless it is found that other considerations clearly outweigh the harm to the Green Belt.
17. There is no guidance in the Framework as to the definition of a disproportionate addition. Some Local Authorities, as is the case here, set out a mathematical calculation to be applied to extensions to dwellings in the Green Belt. However, others acknowledge that it is not desirable to state categorically the size of any

extensions to dwellings within the Green Belt that would be permissible having regard to the wide range of circumstances to which such policies apply.

18. I have concluded that the proposed extension, in combination with those that have previously been constructed by virtue of the 1994 permission, would be a disproportionate addition to the original dwelling. However, the particular circumstances of this case warrant an overarching and individual approach to the scheme.
19. In this balancing exercise I have had regard to the unusual physical characteristics of the proposal, such as the size of the plot and its boundary screening. I have also been influenced by the more inclusive design of the proposed two storey extension, which would replace a somewhat unattractive ground floor addition that is out of proportion to the host building.
20. The high quality of the design of the proposed extension, its relationship with the host building and its minimal impact upon the openness of the Green Belt, together with the absence of harm to neighbouring occupiers, have led me to find that, on balance, the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, therefore, I consider that very special circumstances exist which justify the development.

Conditions

21. The Council has put forward a total of three conditions to be imposed should I be minded to allow the appeal. I have considered these against the tests of the Framework and advice provided by the Government's Planning Practice Guidance issued on 6 March 2014 and find all to be reasonable and necessary in the circumstances of this case.
22. My reasons for the conditions are:
23. 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.
24. Condition 3, which requires the development to be carried out in accordance with the approved plans, provides certainty.

Conclusion

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

R. J. Maile

INSPECTOR