

Appeal Decision

Site visit made on 27 June 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 13 July 2017

Appeal Ref: APP/A3655/W/17/3169580

7 School Cottages, Mayford Green, Woking, GU22 0PN

- 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 Mrs Karen Rogers against the decision of Woking Borough Council.
 - The application Ref PLAN/2016/1026, dated 4 September 2016, was refused by notice dated 3 November 2016.
 - The development proposed is a first floor side addition on top of existing addition and create a separate dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the surrounding area;
 - The effect of the proposal on the Thames Basin Heaths Special Protection Area (TBH SPA), and;
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, and if so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

3. 7 School Cottages is one half of a pair of semi-detached properties which are located within the Green Belt. It is proposed to extend this property over an existing single storey side extension, which, along with changes to internal layouts would create an additional dwelling. Whilst the appeal property is located in close proximity to Mayford Village it falls just outside of this Settlement Area. Policy DM13 of the Woking Development Management
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Policies Development Plan Document (2016) (DPD), which deals with buildings in and adjacent to the Green Belt, therefore applies. This sets out that the construction of new buildings will be regarded as inappropriate development. However, an exception to this is the extension and alteration of buildings where the proposal does not result in disproportionate additions over and above the size of the original building as it existed at 1 July 1948 or if it was constructed after the relevant date, as it was first built. This is entirely consistent with the guidance in the National Planning Policy Framework (the Framework) on Green Belts. The Framework does not provide advice on what constitutes a disproportionate addition. However, the supporting text to Policy DM13 advises that extensions in the region of 20-40% above the original volume of the building would be acceptable.

4. The Council's Building Control records show that No 7 had a single storey side extension constructed around 1988/1989. Following on from this the planning history identifies a number of extensions at No 7 from 1996 to 2010. These include a first floor side extension, a single storey side extension, and a rear conservatory. These are all extensions over and above the size of the original building. The proposed first floor extension under consideration in this appeal would be a further addition to the original building. The Council calculate that the proposal in conjunction with the previous extensions would result in 113% increase in building volume which would significantly exceed the Council's definition of disproportionate additions.
5. The appellant has also provided calculations but these do not take into account the fact that previous extensions to the property must be added to the proposed extension and then compared to the size of the original dwelling. In doing so, as set out above, the proposed extension, in combination with previous extensions, would amount to a volume increase of over 100%, effectively a doubling of the original dwelling, which is clearly disproportionate. I note the appellant's comments that the proposed extension does not exceed the building's existing footprint and that it would not exceed the height of the original building. Nevertheless, it would still constitute a disproportionate addition over and above the size of the original building, when viewed in conjunction with other extensions at the property. Consequently the proposal conflicts with Policy DM13 of the DPD and the Framework as it would amount to inappropriate development which is, by definition, harmful to the Green Belt.

Openness

6. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposed extension to No 7 would add further bulk to the existing building thereby resulting in a loss of openness. However, the proposed extension represents relatively minor additional built development when viewed in isolation therefore its impact on the overall openness of the Green Belt would be limited.

Character and appearance

7. The pair of semi-detached properties to which the appeal site belongs are both of brick construction and have flat front elevations with evenly arranged fenestration. The proposed first floor extension would alter the character of these properties from a pair of semi-detached dwellings to a row of terraces. This would not, in itself be harmful, as there are examples of terrace properties in the immediate vicinity of the appeal site which occupy smaller plots.

However, the proposed works would introduce a completely new design feature to these properties in the form of a first floor extension which would project forward of the main front elevation and would have a timber frame design.

8. In some cases a departure from a building's original design may be appropriate. However, in this case, such a bold design being attached to two otherwise quite ordinary dwellings would appear out of character. The proposal would therefore result in moderate harm to the character and appearance of the surrounding area. As a result it would conflict with Policy CS21 of the Woking Core Strategy (2012) (CS), which, amongst other things, requires new buildings to have regard to the characteristics of adjoining buildings.
9. The Council raises concerns over the reduction in visual separation with adjacent properties. There is currently a large gap between No 7 and the adjacent property 6C School Cottages and the proposal would not materially close this. I therefore do not find any harm in this respect. This does not, however, alter my findings above.

TBH SPA

10. The TBH SPA is an internationally important habitat for three rare species of ground nesting birds. In order to protect these species Policy CS8 of the CS sets out that new residential development within a 400m – 5km buffer of the TBH SPA will be required to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) within the TBH SPA. The SANG contribution would be provided through the Community Infrastructure Levy. However, a unilateral undertaking would be required to secure the SAMM contribution. The level of SAMM contribution is set out in the Council's Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015.
11. The appellant has stated that they are committed to making a legal agreement if planning permission is granted. However, without an agreement before me I cannot be satisfied that the proposal would provide adequate measures to avoid or mitigate the potential adverse effects on the integrity of the TBH SPA. Consequently, the proposal would conflict with Policy CS8 as it has not been demonstrated that adequate mitigation measures are in place to avoid any potential adverse effects to the TBH SPA.

Conclusion

12. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Having regard to the cumulative impact of previous extensions to No 7 the proposal would constitute inappropriate development in the Green Belt as it would result in a disproportionate addition over the size of the original building. I have also found harm in terms of a loss of openness to the Green Belt. Substantial weight should be given to any harm to the Green Belt. Furthermore I have found harm to the character and appearance of the surrounding area, and to the TBH SPA. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
13. The proposal would create an additional dwelling in a relatively sustainable location having regard to its proximity to bus stops and local shops. It would also have a sustainable design incorporating renewable energy elements.

These are modest benefits. The appellant refers to the demolition of outbuildings at the appeal site but these are not identified on the plans before me and as such this matter can only be afforded limited weight.

14. In justification of the proposal the appellant refers to developments at the adjacent Freemantles School and an additional dwelling at 10 School Cottages which was granted planning permission. I do not have the full details of these before me in order to provide any meaningful comparisons. The Council have produced evidence to show that the development referred to at No 10 is, in fact, an outbuilding allowed under permitted development rights. The appellant, however, continues to refer to a dwelling at this property. Whatever the case may be, on the evidence before me this matter can only be given limited weight.
15. Some pages of an appeal decision in Shepparton are also provided and the appellant refers to the Inspector's observation that extensions have been permitted in the Green Belt area. However, again, I have very limited information before me as to the circumstances behind this comment. In any event, each appeal must be determined on its own planning merits. This matter, therefore, also carries limited weight.
16. Taking into account the other considerations outlined above these do not outweigh the substantial weight which must be given to Green Belt harm, as well as the harm to the character and appearance of the surrounding area and to the TBH SPA, sufficient to demonstrate very special circumstances.
17. The appeal is therefore dismissed.

Hayley Butcher

INSPECTOR