
Appeal Decision

Site visit made on 24 July 2017

by Ann Skippers BSc (Hons) MRTPI

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

Decision date: 31 July 2017

Appeal Ref: APP/M3645/D/17/3176786

3 Doctors Lane, Chaldon, Caterham CR3 5AE

- 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. Mike Naphine against the decision of Tandridge District Council.
 - The application Ref TA/2017/2 was refused by notice dated 27 March 2017.
 - The development proposed is 'erection of three dormer windows to north elevation and two dormer windows to south elevation in association with conversion of loft space to habitable accommodation. Installation of roof lights'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of the development on the Council's decision notice as this more fully describes the proposal.

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - if it 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

Whether the proposal is inappropriate development

4. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (LP) states that within the Green Belt, planning permission for any inappropriate development, which is by definition harmful to the Green Belt, will normally be refused.

5. LP Policy DP13 states that unless very special circumstances can be clearly demonstrated, the Council will regard the construction of new buildings as inappropriate in the Green Belt, with one of the exceptions being the extension or alteration of buildings where the proposal does not result in disproportionate additions over and above the size of the original building. This policy context is broadly in accordance with that of the Framework, but differs from it in that the definition of "original building" as set out within the Framework is a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally whereas LP Policy DP13 specifies 31 December 1968 as the appointed date for residential dwellings, or if constructed after that date as it was built originally. The supporting text explains why this later date is appropriate to Tandridge District.
6. The Framework does not offer any advice on what might be regarded as "disproportionate" or not, but refers to "size". The supporting text to LP Policy DP13 explains the Council will take a pragmatic approach, judging each proposal on its merits taking into account factors such as the size of the original building, bulk, height, mass and prominence and impact on openness. The text explains that volume will be used rather than floor area or footprint increase as a measure of whether a proposal is mathematically disproportionate "as a general rule".
7. Both parties agree that the original dwelling has a volume of 454 square metres and that additions to the property have already added 882 square metres.
8. In this case, the proposal has been carefully crafted so that mathematically there is no increase in volume as an area of roof below each former is to be removed. There is no disagreement between the parties on this and I have no reason to disagree with this position.
9. There are different ways of assessing proportionality. However, as my colleague explained in a recent appeal decision on this site (ref APP/M3645/D/16/3156492) the assessment is primarily based on size. As explained in that decision by comparing the dwelling as it was in 1968 to the dwelling it would become should this proposal be permitted, the number and type of additions, including this proposal, would result in disproportionate additions over and above the size of the original dwelling as so defined. In reaching this view, I have also taken into account the creation of accommodation at first floor level that the proposal would enable. Two additional bedrooms would be provided and the size of the existing dwelling in relation to floor area would represent a considerable difference in size of property to the original. In my judgement and taking into account the approach in the text to LP Policy DP13, I consider the proposal would therefore be a disproportionate addition to the original dwelling.
10. Consequently the proposal would be inappropriate development that is, by definition, harmful to the Green Belt and in conflict with LP Policies DP10 and DP13 and the Framework.

The effect on the openness of the Green Belt

11. Openness is an essential characteristic of the Green Belt. The proposal would not increase the footprint of the building and the dwelling is relatively inconspicuous set on a large plot surrounded by tall trees. Although the

dwelling's location and setting would help to moderate the effect on openness, the five dormers would change the appearance of the property and increase its bulk therefore increasing its visual impact. In line with my colleague's findings, the loss of openness would be minimal, largely because of the locational context, but nonetheless this means that there would be a degree of harm as openness cannot be preserved, in addition to the harm arising from the inappropriate development.

The effect on character and appearance

12. Whilst the existing dwelling appears as a low level building in a wide and open setting, the dormers and particularly those to the southern elevation because of their design, size and position on the roof would be noticeable. Nevertheless No 3 is located in an area that has a variety of property types, is set back from the road and only glimpses would be afforded. Therefore, in line with the Council's view and that of my colleague, I find the proposal would have an acceptable impact on character and appearance. In these respects the proposal would accord with Core Strategy 2008 Policy CSP 18. This then is a neutral factor that does not weigh for or against the proposal.

Any other harm

13. I note that the Council consider there would be no adverse effects in relation to the living conditions of neighbouring occupiers, parking or access or on trees. These then are factors which do not weigh for or against the proposal.

Other considerations

14. The appellants suggest that the same number of roof lights would constitute 'permitted development', but result in a similar appearance. I disagree that the effect would be similar, but have in any case found the proposal's effect on character and appearance to be acceptable. This then does not weigh for or against the proposal.

15. In addition, the proposal would provide a more usable floor space and this may well be the case and so I attach a small amount of weight to this.

Conclusion

16. Overall, having balanced the various matters, I find that the other considerations in this case do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

17. For the reasons given above and having had regard to all other matters raised, I conclude the appeal should not succeed.

Ann Skippers

INSPECTOR