

Appeal Decision

Site visit made on 26 July 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 11 August 2017

Appeal Ref: APP/K3605/D/17/3176834

14 Downsview Close, Downside, Cobham KT11 3NS

- 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 and Mrs M Mustoe against the decision of Elmbridge Borough Council.
 - The application Ref 2017/0631, dated 24 February 2017, was refused by notice dated 28 April 2017.
 - The development proposed is the erection of a single storey rear and side extension
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are:
 - (a) Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - (b) The effect of the development on the openness of the Green Belt and the purposes for including land within it;
 - (c) The effect of the development on the visual amenity of the Green Belt and character and appearance of the surrounding area; and
 - (d) If the development is inappropriate, 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 would be inappropriate development for the purposes of the Framework and development plan policy

3. The appeal property is a 2-storey semi-detached dwelling which has a single storey rear addition and a roof extension. Although part of a collection of dwellings fronting Downsview Close, the property is located within the Green Belt. Policy DM18 of the Elmbridge Development Management Plan (DMP)
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identifies that within the Green Belt extensions and alterations to a building will be permitted provided they do not result in disproportionate additions over and above the size of the original building. This policy is consistent with the Framework's approach. The Framework is silent about what scale of extension or alteration would amount to a disproportionate addition.

4. Inclusive of the replacement of the existing single storey rear addition, the Council has calculated that the proposed side and rear extensions would increase the floorspace of the original building by more than 38%. However, the criterion included in DMP Policy DM18 to assess whether a proposal results in a disproportionate addition is that the original building is not increased by more than 25% in volume and footprint.
5. The floorspace measurements indicate that the ground floor of the original building was around 43sq m which would have generally equated to its footprint. The footprint of the proposed extensions, inclusive of the existing addition, is stated to be about 35sq m in the appellants' evidence. The appeal scheme would, therefore, represent an increase in the footprint of the original building by around 81%.
6. Although no volume calculations have been provided, the Council claim that the scale of the extensions, plus the roof alteration, would exceed the 25% threshold identified in DMP Policy DM 8. The appellants do not dispute this claim. A significant proportion of any increase in volume would be attributable to the proposed single storey extensions, inclusive of the rear addition, rather than just the roof alteration. This adds weight to concerns about the cumulative scale of the existing and proposed alterations and extensions.
7. Accordingly, principally by reason of the increase in footprint, the proposed development would be a disproportionate addition to the original property and it is, therefore, concluded that it would be inappropriate development in the Green Belt and, as such, it would conflict with DMP Policy DM18 and the Framework. Paragraphs 87 and 88 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be attached to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The question of any other harm and the other matters in this case are now considered.

The effect of the development on the openness of the Green Belt and the purposes for including land within it

8. Paragraph 79 of the Framework states that one of the essential characteristics of Green Belts is their openness. DMP Policy DM18 requires extensions and alterations not to have a materially greater impact on the openness of the Green Belt. The proposed extensions would increase the bulk of the property. The enlarged property would be seen from neighbouring gardens and there would be some localised views from the road. For these reasons, it is concluded that the appeal scheme would have an adverse effect on the openness of the Green Belt and would conflict with DMP Policy DM18 and the Framework but the degree of harm would be limited.

9. By reason of the appeal scheme being contained within the residential curtilage, it is concluded that the proposed extensions would not conflict with the purposes of the Green Belt as identified at paragraph 80 of the Framework, in particular safeguarding the countryside from encroachment.

The effect of the development on the visual amenity of the Green Belt and character and appearance of the surrounding area

10. The property forms part of a collection of varying designs and types of dwellings fronting Downsview Close and is sited within a spacious plot. Some of these dwellings have been altered by side, rear and roof extensions. The proposed development would not cause any significant harm to the residential character and appearance of the surrounding area, and the varied streetscene. The enlarged property would still be sited within a spacious plot which is a characteristic of other neighbouring dwellings.
11. The Council has not raised any objections to the proposed extensions on the basis that it would fail to be a subservient addition to the property and would harm the character of the property. There are no reasons for me to disagree with the Council's assessment. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to either the visual amenity of the Green Belt or the character and appearance of the surrounding area and, as such, it would not conflict with the design requirements of the Framework.

If the development is inappropriate, 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

12. The appeal scheme has been judged to not cause harm to the purposes and visual amenity of the Green Belt. However, these matters merely result in there being no additional harm to that arising from the inappropriate development and the weight attached to them needs to be tempered accordingly. Therefore, moderate weight has been attached to these matters. For the reasons already given, the absence of unacceptable harm being caused to the character and appearance of the surrounding area is given significant weight in the determination of this appeal.
13. The appellants have referred to the fall-back position associated with additions which might be capable of being erected as permitted development. The appellants' claim that the scale of the permitted development would exceed the footprint of the appeal scheme. Further, there would be an adverse effect on the streetscene associated with the front porch and side additions which could, the appellants' claim, be erected as permitted development.
14. It is accepted that there is a basis for the appellants' claim concerning what might be capable of being erected as permitted development. A rear addition already exists and the minor increase in its extent shown in the appellants' evidence would not add to the existing footprint in any meaningful way. However, the evidence does not indicate that prior approval has been given for an addition projecting up-to 6 metres from the rear elevation of the property. For this reason, limited weight is given to the possible erection of a 6 metre deep rear addition.

15. The porch and side addition would approximate to the net increase in the footprint of the original building and would cause similar limited harm to the openness of the Green Belt as the appeal scheme. However, I do not share the appellants' claim about their significant adverse effect on the appearance of the streetscene because the alterations undertaken at other dwellings provide a varied character.
16. By reason of scale and appearance, the potential erection of the porch and side addition could attract significant weight in the determination of this appeal. However, this weight is tempered because these additions are not materially better or worse than the appeal scheme in terms of their impacts on the openness, purposes and visual amenity of the Green Belt and the lack of unacceptable harm being caused to the character and appearance of the surrounding area. Moderate weight is given to these elements of the fall-back position.
17. The appellants have referred to proposals allowed within the surrounding area but, other than a reference to a detached dwelling at Middleton Road, no details of these other schemes have been provided. In the absence of their full planning circumstances only limited weight can be given to these other schemes. Where such proposals have already been implemented then they have been assessed as part of the wider character and appearance of the surrounding area and the varied streetscene.
18. The appellants' claim about the effects of the alterations to the roof influencing the Council's assessment of the appeal have been noted. Such a consideration could affect the assessment of the increase in volume of the original property but the inappropriateness of the proposed extensions has been principally based upon the increase in footprint. Limited weight is given to this matter.
19. The absence of any objection from the Council on the grounds of harm being caused to the living conditions of the occupiers of neighbouring properties has been noted. This matter is given limited weight in the determination of this appeal because it does not materially alter the assessment about the implications for development occurring in the Green Belt.

Conclusion

20. These other considerations, even when taken together, do not clearly outweigh the harm by reason of inappropriateness, the limited harm to the openness of the Green Belt and the conflict with local and national policy. Accordingly, it is concluded that the very special circumstances required to justify the development do not exist and, taking into account all other matters, this appeal should be dismissed.

D J Barnes

INSPECTOR