
Appeal Decision

Site visit made on 7 September 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 10 October 2017

Appeal Ref: APP/K3605/W/17/3179013

La Selva, Portsmouth Road, Esher KT10 9JQ

- 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 S Redington of Redridge against the decision of Elmbridge Borough Council.
 - The application Ref 2016/3665, dated 25 October 2016, was refused by notice dated 12 April 2017.
 - The development proposed is construction of a detached two storey 6 bedroom dwelling with basement following the demolition of the existing house and garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
 - ii) the effect of the proposed development on the openness of the Green Belt;
 - iii) whether any harm to the Green Belt 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 it.

Reasons

Whether inappropriate development

3. The existing dwelling sits at the top of a large sloping and terraced garden area to its rear. It has a patio area immediately to the rear supported by a retaining wall, with a grassed terrace area extending beyond that to the south. The existing patio and grassed terrace provide level amenity spaces immediately to the rear of the dwelling. However, the house itself is positioned primarily on the flatter northern part of the site with banking either side of the patio.
4. The site is located within the Green Belt. Policy DM18 of the Elmbridge Local Plan Development Management Plan (the DMP) sets out that the replacement of a building in the same use within the Green Belt will be permitted provided that the new building is not materially larger than the one it replaces. It goes

onto to say that support will be given to proposals that do not have a materially greater impact on the openness of the Green Belt with various criteria including there being no greater than a 10% increase in volume. That calculation can take account of other buildings on the site in terms of their size, permanence, design and proximity to the building to be replaced.

5. Policy DM18 also states that proposals for a basement will be permitted provided, amongst other things, it is wholly subterranean and does not exceed the footprint of the existing building (including as extended or replaced) and is served only by discreet light wells, ventilation systems or means of escape. If the basement volume is to be included for this reason, the policy does not make allowance for any part of the basement that would not result in extending above existing ground levels.
6. The proposed dwelling would have a materially increased volume compared with the existing one. This would include a basement area which would extend beyond the rear of the proposed dwelling with access and light provided by a sunken excavated space to its rear. The appellant's calculations take account of the removal of the large existing detached garage with accommodation above. The inclusion of that volume is not disputed by the Council and I have no reason to consider otherwise. However, for the purposes of this issue I have had regard to whether or not the calculations should include the volume of the whole of the basement or just the part that would extend beyond the existing ground levels to the rear of the dwelling. If the latter it would result in a dwelling with an increased volume just within the 10% limit, whereas the former would cause that limit to be significantly exceeded.
7. The proposed basement would require a significant degree of excavation to the rear of it. That would clearly expose its rear elevation, albeit in its entirety from only the close vicinity, as opposed to only having discreet light wells or means of escape. Based on the submitted plans and my observations, that elevation would have a vertical dimension materially greater than the existing fairly modest height patio retaining wall. Even from a greater distance, the exposed top part of the basement elevation with its significant fenestration would be unlikely to appear as a subservient feature of the dwelling, unlike the existing patio retaining wall.
8. The basement would therefore not only exceed the footprint of the existing and rest of the proposed dwelling, but it would be clearly visible externally. Having regard to policy DM18, its entire volume should therefore be accounted for. As such, the proposal would result in significantly more than a 10% increase in volume compared with the existing dwelling and garage.
9. Paragraphs 89-90 of the Framework set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. In this case, the focus is on the fourth category of paragraph 89. In this regard, and taking account of policy DM18 of the DMP, the proposed building would be materially larger than the one it would replace based on the significantly greater volume.
10. For the above reasons, for the purposes of the Framework, the proposed development must therefore be regarded as inappropriate development in the Green Belt which would by definition be harmful to the Green Belt, to which substantial weight should be given, and contrary to policy DM18 of the DMP.

Openness of the Green Belt

11. Openness, as highlighted in the Framework, is an essential characteristic of Green Belts to which the Government attaches great importance and which is a separate issue from the character and appearance of an area.
12. The proposed development would include the demolition of the existing detached garage. It is also proposed to remove other small outbuildings adjacent to the garage and close to the eastern site boundary. Therefore, with the exception of the proposed bat roost building, it would largely consolidate development on the site into the one dwelling. However, the existing garage and adjacent outbuildings are in a fairly discreet location on the edge of the site. They are screened in views from large parts of the site, and from the road via the vehicular access, by the existing dwelling. The other outbuildings are also not prominently visible on the eastern edge of the site. The garage and other outbuildings are also significantly screened or softened in views from the National Trust land to the north by mature woodland. They are therefore not prominent features in terms of the existing openness of the Green Belt.
13. Importantly, I have had regard to the previously referred to general significant increase in volume of the proposed dwelling over the existing, the noticeable projection of the basement element, and the clearly evident increase in overall width, particularly at first floor level, and depth of the house. Furthermore, that substantially larger dwelling would be in the same prominent position on the site as the existing dwelling, albeit only glimpsed from outside of the site largely via the site's access. Therefore, despite the extent of consolidation of buildings on the site, these other factors would combine to cause the proposal to materially impinge on the openness of the site and the Green Belt generally in the locality.
14. For the above reasons, I conclude on this issue that the proposed development would cause unacceptable harm to the openness of the Green Belt.

Other considerations

15. It is claimed that the slope of the land provides special circumstances whereby the formation of a basement would inevitably be visible from the rear. However, were the basement not to project outwards from the house, I have received insufficient evidence to indicate that this would still be so prominent as to contribute to those factors relating to inappropriateness in the Green Belt and openness. This is particularly given that the existing house itself, as opposed to its outside ancillary amenity areas to the south, is located primarily on the flatter northern part of the site.
16. Furthermore, I have also found previously that the proposed projecting basement would be unlikely to appear as a subservient feature of the dwelling. This is unlike the existing patio retaining wall which enables a flat area of ancillary amenity space immediately to the rear of the dwelling. There is also an absence of sufficient substantive evidence to indicate that the existing dwelling itself currently relies upon that retaining structure or that a new dwelling without a basement would necessarily involve the same expanse of clearly exposed elevation beneath the ground floor level.
17. For the above reasons, I have afforded little weight to the appellant's claims in respect of this consideration.

18. I have also had special regard to whether the proposed development would preserve the setting of the adjacent Claremont Landscape Gardens, a Grade I Registered Park. Although the dwelling would be larger than existing, it would remain in a similar position. Furthermore, as is currently the case, it would continue to be significantly screened or softened from views within those adjacent Gardens by mature woodland alongside the northern site boundary. The proposal would also involve the removal of the existing garage and outbuildings which are close to that northern boundary. These factors would combine to ensure the preservation of the setting of those adjacent Gardens.
19. Notwithstanding the above finding, I have had regard to whether the proposed removal of the garage and adjacent outbuildings would result in a net benefit in terms of the setting of those adjacent Gardens. Due to the garage building's fairly limited height, the softening effect of the timber cladding on its northern elevation, and the significant screening or softening by intervening woodland, its removal alone would be unlikely to amount to a material enhancement to that setting. Furthermore, the adjacent outbuildings are relatively modest in size compared with the garage and so too are well screened or softened by the woodland. I have therefore afforded little weight to this factor.
20. I have had regard to the benefits of a new dwelling with a basement compared with one without, in terms of energy efficiency and the lessening of thermal fluctuations. However, I have received insufficient substantive evidence to demonstrate that the difference would necessarily be so great in this case as to warrant anything other than little weight given to this factor. Furthermore, although it is likely that a basement would offer greater sound insulation, I have received no substantive evidence of any significant noise sources that would render such a quality to be of material benefit. Again, I have therefore afforded little weight to this factor.
21. The appellant refers to conflicting advice given by Council officers as to the stance relating to whether or not it would be possible to achieve a wholly subterranean basement. However, I have determined this appeal on its merits based on all of the submitted evidence.
22. For the above reasons, these other considerations would not hold sufficient weight to outweigh the harm that I have found would be caused to the Green Belt be reason of inappropriateness and loss of openness. Furthermore, I have not received substantive evidence of any other considerations which would do so. The very special circumstances needed to justify the development do not therefore arise.

Conclusion

23. For the above reasons, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR