

Appeal Decision

Site visit made on 18 October 2017

by Martin H Seddon BSc DipTP MPhil MRTPI

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

Decision date: 10 November 2017

Appeal Ref: APP/Y3615/D/17/3179938

Pen Y Bryn, Dirtford Lane, Effingham, Leatherhead, Surrey, KT24 5SD

- 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 Stefan Thwaites against the decision of Guildford Borough Council.
 - The application Ref: 17/P/00432 was refused by notice dated 19 April 2017.
 - The development proposed is: demolition of single storey rear element and construction of two storey rear extension.
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Decision

1. The appeal is dismissed.

Background

2. The proposed development had been completed prior to the application to the Council. Planning permission for "part two storey/part single storey rear extension following demolition of rear single storey element together with exterior alterations to house" was granted on 12 July 2013, ref:13/P/00965. The extensions as built are not entirely in accordance with the approved extension drawings. The appellant advises me that the approved single storey flat roof extension has been built as a two-storey extension with a flat roof. The approved two storey extension has been built slightly larger than the approved drawings.

Main Issues

3. The main issues are:
 - whether the development would be inappropriate for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect on the purposes of the Green Belt and its openness;
 - the effect on the character and appearance of the building and its surroundings, and
 - 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 constitute the very special circumstances sufficient to justify allowing the appeal.

Reasons

Whether inappropriate development in the Green Belt

4. Pen-y-Bryn is a detached dwelling located in a row of dwellings within a countryside setting. The National Planning Policy Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The extension of an existing building is not, however, inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. There is no definition of 'disproportionate additions' in the Framework. The 'original building' is as it existed on 1 July 1948 or, if constructed after 1948, as it was built originally.
5. The national policy advice in the Framework has to be read together with the relevant development plan which in this case includes the Guildford Borough Local Plan 2003. This includes saved policy RE2 which allows limited extension, alteration or replacement of existing dwellings providing it is in accordance with saved policy H9. Policy H9 indicates that there will be a presumption against extensions to dwellings which result in disproportionate additions, taking into account the size of the original dwelling. These development plan policies are generally consistent with the Framework.
6. The Council and appellant agree that the increase in floorspace from previous additions to the building is around 32%. The Council calculates the cumulative increase in floorspace from the appeal proposal to be around 45%, whereas the appellant calculates it to be approximately 46%. The appellant advises that the difference between the extended dwelling as approved and as built is around 15m² (13% additional floorspace compared to the original dwelling). However, it is submitted that 2.91m² of this increase is in the other two storey extension as built which is slightly larger than as approved. but which the appellant considers the Council do not object to. The actual increase in floorspace at first floor level, is therefore calculated by the appellant to be around 12m² (11% additional floorspace compared to the original dwelling).
7. Figures are not provided for the increase in volume from the development compared to the original building. Although the appellant advises that the Council has only objected to the first-floor element of the rear extension, this does not appear to be the case. The officer's delegated report refers to the increase in bulk and mass from that extension but also from the construction of a gable end.
8. Overall, I consider that the increase in floorspace and bulk and mass of the building represents disproportionate additions to the building and constitutes inappropriate development in the Green Belt. As already noted, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on the purposes of the Green Belt and its openness

9. The Framework indicates that the essential characteristics of Green Belts are their permanence and openness. The additional first floor part of the rear extension and gable to the roof has increased the effect of the building on the openness of the Green Belt. There is also conflict with one of the purposes of the Green Belt, albeit limited, which is to assist in safeguarding the countryside from encroachment.

Effect on character and appearance

10. The development that has been carried out incorporates a gable that links rather awkwardly to the hipped roof of the two-storey rear extension that was previously approved and built. The other two-story extension that has been constructed has a flat roof, partly hidden by a small pitched roof. The approved single storey extension would also have had a flat roof. The appellant has drawn my attention to other flat roofs in the area, although these are mainly over garages rather than to first floor extensions. Their existence does not justify the flat roof that has been built and which is out of character with the roof form of the building.
11. The rear elevation of the building appears uncharacteristic and poorly coordinated. Although the rear elevation is not seen from Dirtford Lane, the upper part would be visible to immediate neighbours when using their gardens. I consider that the building as extended is of poor design and harmful to its character and appearance and that of the surrounding area, contrary to criteria in Local Plan policy H9. The development also conflicts with Local Plan policy G5, which sets design requirements and conflicts with the design objectives in the Framework.

Whether very special circumstances exist

12. The appellant does not consider that the development constitutes a disproportionate addition to the building and does not specifically refer to very special circumstances. However, other material considerations are raised. The appellant has explained why the development was not built in accordance with the plans, although this does not include any compelling technical reasons for the additional size and scale, when compared to the permitted scheme. The appellant also provides information regarding how a similar, or larger, addition could have been achieved under permitted development rights. However, I do not agree that this hypothetical consideration reinforces the conclusion that the extension as built is not a disproportionate addition over and above the size of the original dwelling, or that it represents good design.
13. The matters raised by the appellants are acknowledged. The appeal development must be considered on its own merits in the context of national and local Green Belt policy. As found above, the development represents a disproportionate addition over and above the size of the original building and constitutes inappropriate development in the Green Belt. The harm from the development in respect of inappropriateness, harm to the openness of the Green Belt, limited harm to one of the purposes of the Green Belt and harm to the character and appearance of the building and surrounding area clearly outweigh the matters put forward by the appellant as favouring the proposal. Very special circumstances do not exist which would justify allowing the appeal. The development conflicts with the Framework and Local Plan policies RE2 and H9.
14. I have taken all other matters raised into account. For the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR