



Appeal Decision

Site visit made on 8 July 2019

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/P5870/D/19/3230268

22 Higher Drive, Banstead SM7 1PF

- 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 Efthymiou against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00628, dated 8 April 2019, was refused by notice dated 3 June 2019.
 - The development proposed is erection of a first floor side and rear extension, alterations to fenestration to rear and side elevations at ground floor level and formation of raised steps from flank door to ground level.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first floor side and rear extension, alterations to fenestration to rear and side elevations at ground floor level and formation of raised steps from flank door to ground level, at 22 Higher Drive, Banstead SM7 1PF, in accordance with the terms of the application, Ref: DM2019/00628, dated 8 April 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3168-04 Rev B; 3168-05.

Procedural Matter

2. The description of development set out in the banner heading above is taken from the Council's decision notice rather than the original planning application form. This is because I consider it to be a more accurate and precise description of the development proposed. In making this change, I am satisfied that the interests of the main parties have not been affected.

Main Issue

3. The appeal site is in the Green Belt. Consequently, the main issue is:
 - i) whether the proposal would constitute inappropriate development in the Green Belt.

Reasons

4. The fundamental aim of Green Belt policy in the National Planning Policy Framework (the Framework) is to prevent urban sprawl by keeping land

- permanently open. The essential characteristics of Green Belts are their openness and their permanence.
5. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt. However, an identified exception to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
 6. Policy 24 of the Sutton Local Plan 2016 – 2031 (2018) (LP) states that the Council will grant permission for extensions to an existing building in the Green Belt provided that the increase in volume of the built form is no greater than 30% above the size of the original building or structure. For the purposes of the LP, the term 'original building' means the building that existed in 1948. Any extensions which were built subsequently, will not be considered part of the original building.
 7. Within the evidence, there is some dispute in relation to how much the existing house has been extended, although it is quite apparent that the house has been added to on both sides and also to the rear. However, the form of the original house is easily depicted and consequently, regardless of their volume, I am satisfied that the extensions that have already occurred are not disproportionate over and above the size of the original building.
 8. The proposal would increase the size of the dwelling at first floor level. As a consequence, the volume of the property would be increased further. Although the evidence is not conclusive on this matter, I consider that the combined volume of the side and rear extensions, as well as the volume of the proposed addition, would most probably increase the external volume of the built form above 30% of the original building.
 9. Despite this, the overall height of the proposed extension would be demonstrably lower than the ridge of the original building. In addition, it would not project beyond the existing ground floor extension and the proposed width would be clearly narrower than the bulk of the original building. As a consequence, the proposal would be subordinate in scale to the host, albeit extended, dwelling. On this point, I also note that the Council has raised no objection to the design of the proposal.
 10. The LP states that the figure of 30% should only be treated as an indication of what might constitute a disproportionate addition. Whilst this is qualified by the suggestion that in some instances proposals to increase the volume by less than 30% may still be disproportionate, to my mind this is also a clear indication that matters in relation to disproportionality involve some degree of planning judgement. Moreover, the Framework does not put an upper limit on what disproportionate might mean, and in this respect, the LP policy is not consistent with national policy.
 11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. Although the LP was recently adopted, the Framework represents a material consideration of significant weight, and for the reasons identified above, despite the apparent conflict with

the LP in terms of volume, I am satisfied that the proposal would not result in a disproportionate addition over and above the size of the original dwelling.

12. Consequently, I conclude that the proposal would not represent inappropriate development within the Green Belt and it would therefore accord with the Green Belt protection aims of the Framework.

Other Matters and Conditions

13. Within the evidence it is suggested that the intent of the development goes beyond an extension to the existing dwelling. However, I have to assess the appeal on the merits of the scheme before me. Any subsequent proposals at the appeal site would need the benefit of a separate planning permission and would be considered on their individual merits.
14. The proposal would introduce an additional first floor window to the rear elevation. However, the window would be located away from the shared western boundary and I am therefore satisfied that any views from the window would not directly overlook the adjacent neighbour. Furthermore, any views that would be achieved would be comparable to other first floor windows in the locality. As a consequence, the proposal would not be harmful to the living conditions of the occupants of the adjacent property. In addition, matters that relate to construction, foundations, and Party Wall considerations fall outside of the remit of the planning system and would need to be addressed separately.
15. Due to my findings above, conditions are necessary in the interests of clarity and precision to establish the time limit for the commencement of development as well as to list the approved drawing numbers.

Conclusion

16. For the reasons identified above, the proposal would not constitute inappropriate development within the Green Belt. Consequently, the appeal is allowed.

Martin Chandler

INSPECTOR