



Appeal Decision

Site visit made on 22 August 2019

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 6th September 2019

Appeal Ref: APP/D3640/D/19/3231049

46 Mincing Lane, Chobham, Woking GU24 8RS

- 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 & Mrs Warren against the decision of Surrey Heath Borough Council.
 - The application Ref: 19/0106 dated 4 February 2019, was refused by notice dated 4 April 2019.
 - The development proposed is two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - b) Its effect on the openness of the Green Belt;
 - c) Other considerations; and
 - d) Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Preliminary Matters

3. The Appellant has disputed the revised description of development given by the Council at the application stage, referring to *the erection of a part first floor, part two storey side/front extension with associated works*. I understand the Appellant's concerns regarding the reference to a front extension, although I agree with the Council that the proposal would be part two storey and part extension at first floor level. However, there is no suggestion that the proposal does not require planning permission and my decision is based on the proposal before me.
4. The Appellant submitted a series of appendices with the appeal which for some procedural reason were not received at the outset of the appeal. These have

therefore been provided to the Council with the opportunity to comment. No further representations were received.

Reasons

Issue a) Whether Inappropriate Development

5. The appeal property is a detached residential dwelling within a generous plot on the east side of Mincing Lane. The site is located within the Green Belt. The proposal would extend an existing single storey, side addition forwards with a first floor extension over the extended ground floor, under a hipped roof.
6. The National Planning Policy Framework 2018 (Framework) sets out the government's planning policies to secure sustainable development. Paragraph 133 sets out the great importance that the Government attaches to Green Belts and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 confirms that *inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances*. Paragraph 145 sets out that the construction of new buildings is inappropriate except for a limited number of exceptions including the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building. The Framework does not define further the term 'disproportionate'. The Council has not referred to any development plan policies.
7. There is no dispute between the Council and the Appellant that the total increase in floorspace, including previous extensions, would result in approximately a 136% increase over the floorspace of the original dwelling. I have no reason to take a different view. Although this indicates that the dwelling, including the proposed extensions, would be substantially larger in floorspace terms over and above the original dwelling, a mathematical calculation is not in my view and on its own necessarily conclusive.
8. The proposal would not significantly increase the footprint of the building, but the extension, particularly at first floor level, would add to the overall width, bulk and massing of the property, particularly at its northern end. The first floor addition, in particular, with its hipped roof would add to the overall mass of built development on the site and it would also encroach into the existing open gap at first floor level between the existing dwelling and the detached garage.
9. The Appellant has drawn my attention to a number of other decisions, both made by the Council and at appeal, where larger or similar increases in floorspace have been permitted. Each proposal must be judged on its individual merits, but I have nonetheless had regard to these other decisions in so far as the information has been made available to me. I have already noted that the mathematical increase in floor space is not in itself necessarily definitive, but none of these other decisions persuade me to a different view, given the combined effect of the increase in floorspace, the additional bulk and massing, particularly at first floor level and reduction in the existing gap between the house and the detached garage in the proposal before me.
10. Taking all of these factors together, I have no doubt that the proposed extension, taken together with the previous extensions, would be a disproportionate addition over and above the size of the original dwelling and

so would be inappropriate development within the Green Belt which the Framework states is, by definition, harmful to the Green Belt.

Issue b) Effect on Openness

11. The additional bulk and massing of the property, together with the reduction in the open gap at first floor level between the main house and the detached garage, would have some limited impact on the openness of the Green Belt, which is the essential attribute of the Green Belt. This would add to the harm I have already concluded.

Issue c) Other Considerations

12. The Framework indicates at paragraph 144 that substantial weight should be attached to any harm to the Green Belt. Very special circumstances to justify such development 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. I now turn to the other considerations in support of the development which have been put forward.
13. As addressed under my first main issue, I have had regard to the recent appeal decision at 41 Mincing Lane (APP/D3640/D/18/3215349) as well as the decisions granted by the Council (2017/0984 and 2012/0052) which the Appellant has brought to my attention, and I have set out the reasons why they do not persuade me to find differently in respect of the proposal before me. It is a fundamental planning principle that each proposal must be considered on its individual merits and this is the basis of my assessment. I have nonetheless taken these other permissions and such information as has been provided into account. However, the Framework sets out a clear approach for considering individual development proposals in the Green Belt to ensure that the openness of the Green Belt is protected and that has been the basis of my consideration. The existence of other extensions permitted and undertaken does not therefore add more than very limited weight in support of the proposal before me.
14. Although I do not agree with the contention that the proposal would not be seen from the public highway, I agree with the Appellant that there would be no harm to the character and appearance of the local area or to the amenities of neighbouring residents. The Council also raised no harm in these regards. However, the absence of harm on these matters does not add more than very limited weight in support of the proposals.
15. I have sympathy with the family related reasons for seeking the proposed extensions but there is no information before me to suggest that these objectives could not be achieved in alternative ways. Moreover, the harm I have concluded would remain after these personal reasons cease to be material. This therefore adds very limited weight in support of this proposal.

Issue d) Balancing of Considerations and whether very special circumstances exist.

16. I have already found that substantial weight must be given to the harm to the Green Belt by reason of the inappropriateness of the proposed extension. The harm from loss of openness adds to the harm by reason of inappropriateness. The totality of the harm I have concluded is not clearly outweighed by the

other considerations. I do not find that the very special circumstances required to justify the proposed development of the extension to the dwelling exist. The proposal would conflict with the Framework with regard to protecting Green Belt land.

17. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR