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## Appeal Decisions

Site visit made on 23 July 2019

**by Stephen Wilkinson BA BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 September 2019**

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**Appeal Ref: APP/D3640/W/19/3226619**

**41 Mincing Lane, Chobham Surrey GU24 8RS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mrs K Leaver against Surrey Heath Borough Council.
  - The application Ref 2019/0071, is dated 29 January 2019.
  - The development proposed is the erection of single storey side and rear extension, two storey side and rear extension, roof alterations to the rear.
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### Decision

1. The appeal is allowed, and planning permission is granted for the erection of a single storey side and rear extension, two storey side and rear extension with roof alterations to the rear at 41 Mincing Lane, in accordance with the terms of the application, Ref.2019/0071, dated 29 January 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, SHEET:EXIST/ELEs, SHEET PROP/ELEs/PD/01, SHEET:FLOOR PLANS/SECTIONs/01am .
  - 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
  - 4) The development to which this planning permission relates shall not commence if any part of the development for which planning permission was granted by the Secretary of State on 2 January 2019 under appeal reference APP/D3640/D/18/3215349 and pursuant to planning application reference no. 18/0535 is already commenced.

### Application for costs

2. An application for costs was made by Mrs K Leaver against Surrey Heath Borough Council. This application is the subject of a separate Decision.

## **Procedural Matters**

3. I have used the description of the proposed development as set out in the Council's Delegated Report Sheet. This is a more concise description than that set out in the application form.

## **Main Issue**

4. The appeal follows the Council's failure to determine the respective planning application. In response to the lodging of the appeal, the Council confirms that had it determined the application it would have approved it, subject to conditions.
5. The main issue is as follows:
  - Whether the proposals represent inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework, (the Framework).

## **Reasons**

### *Whether the proposal is inappropriate development*

6. The Framework identifies that inappropriate development is by definition, harmful to the Green Belt and should not be approved unless very special circumstances apply. It requires that substantial weight is given to any harm which may result to the Green Belt and further states that 'very special circumstances' will not exist unless the potential harm to Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
7. Whilst the construction of new buildings in the Green Belt is regarded as 'inappropriate', the Framework identifies exceptions which include amongst other matters 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.
8. The Council's Delegated Report identifies that the original dwelling house has already been extended following the grant of permission in 1976 and by a garage built in 1977. This has not been disputed by the appellant. There is, in addition, an extant permission for a 2 storey extension, allowed on appeal (APP/D3640/D/18/3215349) for a double storey side extension including two new windows in the west elevation.
9. According to the local planning authority the original dwelling had a total floor area of 101sm and with the existing extensions this has been increased by approximately 45sm or 45% over the original floor area.
10. The proposed single storey extensions to the kitchen would be located on the north side of the property and the 2 storey extension located on the east side. The appellant states that the net increase in the area of the ground floor would be 11.4sm. and with the first floor extension to a total increase in floor area of 18.1sm. The local planning authority states that in total the extensions would amount to a further 20sm floor space. When added to that already built, the

Council states that the extensions would amount to approximately 65% more floorspace than the original building.

11. Taken together, the size of these extensions, together with those already built, would not result in 'disproportionate' additions to the original dwelling house. Accordingly, the proposals are 'not inappropriate' development as identified by the Framework.
12. Although the application proposals would, in themselves, be 'not inappropriate', consideration has to be given to the effect of these proposals together with those allowed on appeal (APP/D3640/D/18/3215349) for a double storey side extension and two new windows in the west elevation.
13. At present the building has a cottage style largely derived from its size and from the configuration of its roof planes. Individually the two sets of proposals would not amount to disproportionate additions. However, together they would substantially alter the building's original character resulting in a significantly larger building, which would amount to disproportionate additions and would therefore be inappropriate development.
14. The Council's delegated report seeks to address this matter through the imposition of a condition which could in the event of this appeal being allowed prevent the two schemes from both being implemented, ensuring that only one could go ahead.
15. The appellant has indicated in her statement that she wishes to keep both options open. The imposition of the suggested condition would be consistent with this.
16. I find therefore that, in conjunction with extant planning permission (APP/D3640/D/18/3215349), the proposal would amount to disproportionate additions over and above the original building. As such, they would result in inappropriate development in the Green Belt, contrary to Policy DM9 of the Core Strategy and Development Management Policies (2012). However, a condition as suggested by the Council to limit the extent of development at this site would overcome these concerns and through the imposition of such a condition the proposal would not be inappropriate development, overcoming the above concerns and the conflict with Policy DM9 and the Framework.

### **Conditions**

17. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt. I also include a condition relating to materials to ensure that the appearance of the extensions would be satisfactory.
18. My reasons for the inclusion of the condition relating to the substitution of this permission for the one granted on appeal has been explained above. However, in the interests of clarity and enforceability I have amended the wording of the suggested condition, although what it seeks to achieve is the same.

### **Conclusions**

19. For the reasons given above, I conclude that the appeal is allowed and planning permission is granted.

*Stephen Wilkinson*

Inspector