



Appeal Decision

Site visit made on 29 July 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 13 September 2019

Appeal Ref: APP/L3625/D/19/3228347

Wayside, Croydon Lane, Banstead SM7 3BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Mark Sheppard against the decision of Reigate & Banstead Borough Council.
- The application Ref 19/00245/S73, dated 20 February 2019 by the Council, was refused by notice dated 1 May 2019.
- The application sought planning permission for 'demolition of existing garage and side facing bay window and erection of part single, part two storey side extension. Single storey rear extension and internal alterations. As amended on 08/10/2018' without complying with 2 conditions attached to planning permission Ref 18/00742/HHOLD, dated 9 November 2018.
- The conditions in dispute are Nos 1 and 5(i) to (iii) which state that:
 1. The development hereby permitted shall be carried out in accordance with the following approved plans.

Plan Type	Reference	Version	Date Received
Combined Plan	MAP183602	F-OP2	08.10.2018
Location Plan	MAP183603		06.04.2018
Combined Plan	MAP183601		06.04.2018
 5. The extensions hereby permitted shall only be implemented if the requirements set out in i) to iii) set out below are met:
 - i) The single storey rear extension, the subject of a prior approval application in 2017, Council reference 17/02530/PDE, shall not have been constructed, including any foundations.
 - ii) If the single storey rear extension, the subject of a prior approval application in 2017, Council reference 17/02530/PDE, has been implemented beyond foundations the development permitted by that decision shall be demolished and removed and the land restored to its former condition prior to the implementation of any part of the extensions permitted by this planning permission.
 - iii) If this planning permission is implemented, including any material start of construction, the single storey rear extension, the subject of a prior approval application in 2017, Council reference 17/02530/PDE, shall not be implemented at the same time or thereafter be implemented.
- The reasons given for the conditions are:
 1. Reason: To define the permission and ensure the development is carried out in accord with the approved plans and in accordance with National Planning Practice Guidance.
 5. Reason: In the interests of limiting the extent of extension to the property with regard to the interest of the openness of the Metropolitan Green Belt and with regard to policy Ho24A and Co1 of the Reigate and Banstead Borough Local Plan 2005 and the provisions of the NPPF 2018.

Decision

1. The appeal is dismissed.

Main Issues

2. The site is located within the Green Belt. Therefore, the main issues are:
 - Whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework;
 - The effect of the proposal on the openness of the Green Belt and on the character and appearance of the existing dwelling; and
 - If the appeal development is inappropriate development, whether the harm 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.

Background

3. The appeal site is a detached 2 storey dwelling within the Metropolitan Green Belt. The dwelling had permission via the prior approval process for a rear single storey extension (Council ref 17/02530/PDE). Subsequently planning permission was granted for a part single, part two storey side extension, with rear extension and internal alterations (Council ref 18/00742/HHOLD). Condition 5 of this permission requires the appellant to forgo the ability to fully implement the earlier extension. This was in the interests of limiting the extent of the extension of the property due to its location within the Green Belt. Condition 1 relates to the approved plans.
4. The appellant is seeking to have these conditions removed to allow the extensions under both permissions to be built.

Reasons

Whether Inappropriate Development in the Green Belt

5. The National Planning Policy Framework (2019) (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
6. The Framework sets out that that the construction of new buildings should be regarded as inappropriate in the Green Belt, but lists exceptions to this in paragraph 145. One of the exceptions cited 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. Policies Co1, Ho9 and Ho24a of Reigate and Banstead Borough Local Plan (2005) (LP) and Policy CS3 of the Reigate and Banstead Core Strategy (2014) (CP) echo these Green Belt and disproportionate addition restrictions.
7. The proposals combined would represent a significant addition to the original property. Whilst the appellant notes that either extension would be a 35% increase from its original size, the combination of two schemes would be significant additions to the original property and be disproportionate in size and scale.

8. Therefore, the proposal would be inappropriate development in the Green Belt. Consequently, it would be contrary to policies Co1, Ho9 and Ho24a of the LP, Policy CS3 of the CP and the Framework.

Openness and Character & Appearance

9. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It also states that one of the essential characteristics of Green Belts is its openness. Whilst both schemes have permission, the combination would increase the scale of the building. The part single, part two storey extension would be most visible in the street and has been considered acceptable by the Council, subject to the rear extension not being built.
10. There are neighbouring residential properties either side, and mature tree covering to the rear, set behind a substantial outbuilding. However, whilst set to the rear, and contained within the garden, the proposed addition of the single storey addition to the approval would increase the coverage of built form within the back garden. This would have very limited visual impact on the wider Green Belt given the surroundings. However, I am conscious that there is also a spatial aspect to Green Belt openness. This coverage would further erode the openness by extending significantly to the rear and beyond the rear building line of neighbouring properties in combination with the side extensions. This would be a minor level of harm to the openness.
11. The single storey addition would have a large extent of flat roof which is not representative of the existing dwelling and would be centrally located. This would dominate the rear elevation, would be disproportionate in scale and would have limited design articulation. Whilst single storey and screened from public view, I consider that this would be contrary to Policy Ho24a of the LP which seeks to prevent development which would detract from the appearance and character of the existing dwelling.

Whether Very Special Circumstances Exist

12. The Framework requires that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless this is clearly outweighed by other considerations.
13. The appellant has provided limited detail to demonstrate such other considerations. I note that there has been ongoing work with the Council and frustrations to changes to its position and those to permitted development, which may have contributed to abortive work on behalf of the appellant. I also recognise that neighbouring properties have had extensions, that there were no objections from neighbours and that the area is previously developed garden land. I am also aware of the conflict between permitted development and local and national planning policies. However, these are not unique to the proposal and are not so significant as to clearly outweigh the substantial weight placed Green Belt harm. I therefore consider that very special circumstances do not exist in this case.
14. The proposal would therefore be contrary to policies Co1, Ho9 and Ho24a of the LP, Policy CS3 of the CP and the Framework which prevent inappropriate development within the Green Belt.

Conclusion

15. The proposal to combine the rear extensions would represent inappropriate development in the Green Belt for which very special circumstances to justify it do not exist. It would also detract from the appearance and character of the existing dwelling, albeit that I recognise that planning permission already exists for that development such that it might still proceed in the event that that this appeal were to be dismissed. I therefore consider that the conditions subject to this appeal are necessary to preserve the openness of the Green Belt. For the reasons given above, I conclude that the appeal should be dismissed.

Tim Crouch

INSPECTOR