



Appeal Decision

Site visit made on 1 August 2019

By Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2019

Appeal Ref: APP/K3605/D/19/3231488

The Old Forge, Chilbrook Road, Downside, Cobham KT11 3PD

- 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 A Bird against the decision of Elmbridge Borough Council.
 - The application Ref 2019/0427, dated 13 February 2019, was refused by notice dated 23 May 2019.
 - The development proposed is single storey side extension and alterations to fenestration.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are:-
 - whether the proposed extension constitutes inappropriate development in the Green Belt and its effect on openness; and
 - whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Green Belt

3. The Old Forge is located within the Green Belt and the National Planning Policy Framework¹ explains that inappropriate development is, by definition, harmful to the Green Belt. The extension or alteration of a building is not considered inappropriate provided that it does not result in disproportionate additions over and above the original building. This is reflected in Local Plan Policy DM18².
4. The appeal site comprises a detached single storey dwelling. The building was originally in commercial use and a change of use in 2008 to residential included a single storey extension. The proposed extension and alterations would effectively square off the building to the front and side. It would be single storey and not go beyond the front or side walls of the dwelling.

¹ Ministry of Housing, Communities & Local Government National Planning Policy Framework, July 2018 (the Framework).

² Elmbridge Local Plan Development Management Plan April 2015, Adopted 15 April 2015.

5. The Framework does not define disproportionate but Policy DM18 indicates a threshold of 25%. The proposed extension, together with the previous extension would approximately double this in which case it is not unreasonable to determine that existing and proposed extensions would be disproportionate. As disproportionate development in the Green Belt, this carries significant weight.
6. The Framework establishes that the essential characteristics of Green Belts are their openness and their permanence. The extension would not extend beyond the front or side walls of the existing dwelling and therefore its impact on openness is lessened.

Other Considerations

7. The appellant's argument rests on the impact of the extension on the openness of the Green Belt. However, the Framework does not indicate that the extent of harm to openness outweighs the harm caused by inappropriateness. The extension together with the previous extension would result in a building that would be approximately 50% larger than the original. I therefore give this modest weight.
8. The appellant refers to other properties in the area which are in the Green Belt and have been substantially extended / re-built. However, I do not have sufficient information to convince me that this matter carries more than limited weight.

Conclusion

9. The Framework makes it clear that inappropriate development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm, caused by inappropriateness, and any other harm, is clearly outweighed by other circumstances.
10. I have given limited weight to the other developments referred to in the Green Belt and modest weight to the effect of the proposal on the openness of the Green Belt. I have taken all other matters raised into consideration but conclude that very special circumstances do not exist to clearly outweigh the harm caused by inappropriate development in the Green Belt.
11. I conclude that the proposal would conflict with the Framework and Policy DM18 and therefore the appeal fails.

J D Clark

INSPECTOR