



Appeal Decision

Site visit made on 27 August 2019 by Emma Worby BSc (Hons)

by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2019

Appeal Ref: APP/L3625/D/19/3230853

New Cottage, Babylon Lane, Lower Kingswood KT20 6XE

- 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 and Mrs A Patterson against the decision of Reigate & Banstead Borough Council.
 - The application Ref 18/02470/HHOLD, dated 16 November 2018, was refused by notice dated 5 April 2019.
 - The development proposed was originally described as a first-floor rear extension, first floor front extension including roof remodelling.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and partial first floor rear extension above, a proposed first floor front extension and extension to front catslide roof at New Cottage, Babylon Lane, Lower Kingswood, KT20 6XE in accordance with the terms of the application 18/02470/HHOLD, dated 16 November 2018, and the plans numbered 20:001 Rev A, 20:002 Rev B, 20:003 Rev B, 20:004 Rev B, 20:005 Rev B, 20:006 Rev B, 20:007 Rev B, 20:008 Rev B, 20:009 Rev B, 20:010 Rev B, 20:011 Rev B subject to the following condition:
 - 1) The materials to be used in the construction of the external surfaces of the proposed development hereby permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The description of the development I have used in the decision above reflects that given on the appeal form instead of that used on the application form as the description of the development changed during the course of the application to include the existing single storey part of the rear extension.
4. The Council's reason for refusal relates to the impact upon the openness of the Green Belt and the absence of very special circumstances which would outweigh the harm to the Green Belt. However, as agreed by both parties, the appeal site is not currently located within the Green Belt. The emerging Development Management Plan seeks to amend the Green Belt boundary to

wash over the existing 'Babylon Lane Area'. But although this emerging plan has been examined, and the Inspector's Report recommended no alterations that would affect this amendment to the Green Belt, the plan has not yet been adopted and therefore cannot be given full weight. Indeed, in this case, where the policies of the adopted plan and the policies of the emerging plan directly conflict, I give more weight to the adopted policies which form the development plan.

5. Policies Co1 and Ho24A of the Reigate and Banstead Borough Local Plan (2005) (the 'Local Plan'), identified in the decision notice, concern development in the Green Belt and so have little relevance to the proposal before me. Furthermore, although the Council state that development in the Babylon Lane Area is considered in the same way as development in the Green Belt, I have not been provided with any policy or evidence which would support this stance.
6. Consequently as the Council's contention that the development would harm the openness of the Babylon Lane Area is based on the position that this area is akin to Green Belt in policy terms; and as I have found that there is no evidence to support that and no justification to assess the development against Green Belt policy, I give no weight to this argument in my considerations. Similarly there is no evidence or policy to support the suggestion that the development could harm the openness of the Green Belt opposite the site.
7. The Council state that the development would have no adverse effect on the character of the area, is of an acceptable design and would not harm neighbour's amenity, nor do they suggest it would harm the Area of Great Landscape Value. To that end, they state the extensions would accord with policies Ho9, Ho13 and Ho16 of the Local Plan (of which I have been provided copies) which all seek to ensure development respects the character of the area and the amenities of adjoining properties. I have no reason to consider otherwise.

Conditions

8. I have phrased the decision so that it includes reference to the plans as this provides certainty. A condition requiring the use of materials matching that of the existing building is necessary to ensure an appropriate appearance for the development.

Conclusions and Recommendation

9. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeals Planning Officer's report and on that basis the appeal is allowed

Andrew Owen

INSPECTOR