
Appeal Decision

Site visit made on 1 October 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2019

Appeal Ref: APP/M3645/D/19/3232216

Samri, Effingham Road, Burstow, Horley RH6 9RP

- 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 S Khan against the decision of Tandridge District Council.
 - The application Ref TA/2019/487, dated 8 March 2019, was refused by notice dated 31 May 2019.
 - The development proposed is Improvements and Extensions to Dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - (a) whether the proposal would constitute inappropriate development in the Green Belt,
 - (b) the effect of the proposal on the character and appearance of the area, and
 - (c) if it 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 the development.

Reasons

Whether inappropriate development

3. Samri is a detached two storey house on the northern side of Effingham Road to the east of a busy traffic light controlled junction with Redehall Road. It forms part of a row of mainly two storey detached dwellings. To the east of the site there is a vehicular access leading to various commercial premises to the rear of Samri. The cluster of buildings along Effingham road is outside of any defined settlement. The land opposite on the southern side of Effingham Road is less developed. The site and surrounding area are within the Green Belt.
4. The proposal is the construction of a two storey side extension on the western side of the dwelling. This would be about 5.2m wide and set slightly forward of the present front wall to the dwelling with a gable end facing the road. It would extend for virtually the full depth of the house. A small front porch would be added to align with the front wall to the side extension.

5. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it complies with stated exceptions. Exception (c) states *"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"*. The Framework defines original building as "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally". It does not define what constitutes a *"disproportionate"* addition, but reference to the *"size"* of the original building is the starting point.
6. Policies DP10 and DP13 of the Tandridge District Local Plan Part 2: Detailed Policies (2014) (LP) are broadly consistent with the Framework. Policy DP10 states that *"planning permission for any inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused"*. Policy DP13 lists as an exception to inappropriate development *"the extension or alteration of buildings within the Green Belt (outside the Defined Villages), where the proposal does not result in disproportionate additions over and above the size of the original building"*. However, for dwellings the policy cites the effective date for the original building as it existed on 31 December 1968 rather than on 1 July 1948.
7. The building has a complicated planning history. It was originally a garage and offices with various extensions and living accommodation over; the building was eventually converted wholly to residential accommodation. The Council has produced evidence relating to the size of the building in 1968; it is unclear how the building may have changed between 1948 and 1968. Having regard to the submitted plans, the proposal would result in approximately a 60% increase in floor area compared to the existing building. In relation to volume, the Council calculate that the building in 1968 would have had a volume of 480 cubic metres, that the combined total of the proposal and other additions would be 922 cubic metres and that there would be a 92% increase over the volume of the original building. The appellant contests this, estimating a 66% increase in volume that could be further reduced by exclusion of the lean to at the rear with a volume of 26.1 cubic metres. Even accepting the appellant's figures the proposal would result in a substantial increase in the size of the building.
8. The proposal's effect on the openness of the Green Belt can be assessed not only by its spatial dimensions but also by its visual impact. At about 5.2m wide and 7.5m high the side extension's massing would be prominent in views from Effingham Road and a conspicuous feature when viewed from the rear and from Hawthorn Cottage, the adjacent dwelling to the west. The porch would be modest in size and viewed against the massing of the existing building.
9. My findings are that the proposal would result in a substantial addition that would be harmful to the openness of the Green Belt. It would be a disproportionate addition in relation to the size of the original building. The proposal would not therefore satisfy the requirements of Paragraph 145 (c) of the Framework and would thereby amount to inappropriate development. Paragraph 143 of the Frameworks states, *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*.

Character and appearance

10. There is variety in the size and form of dwellings in the surrounding area. Whilst many are two storey and detached, there are some single storey and

semi-detached dwellings. Many are modest in size and the spacing between the buildings contribute to a relatively open appearance in the street scene. The proposal would result in a dwelling of a size and profile similar to that of some of the larger dwellings to the east of the site. The width of the site is such that even with the addition of the proposed side extension there would be a gap to Hawthorn Cottage to the west of the site similar to the gap between many buildings along Effingham Road.

11. The proposal would not thereby conflict with Policy CSP18 of the Tandridge District Core Strategy (2008) which requires new development to have a high standard of design that reflects and respects the character, setting and local context, including those features that contribute to local distinctiveness. Nor would there be conflict with Policy DP7 of the LP which requires proposals to be in keeping with the prevailing streetscape, reflecting the variety of local building types and designs.

Other considerations

12. The appellant argues that the proposal would result in good design to what is currently a "rather ugly dwelling" and would enable eradication of sub-standard construction and severe damp problems. However, it would be possible to make such improvements without the construction of such a large extension. A suggestion to reduce the depth of the side extension would reduce the spatial calculations on size but would not alter the visual impact of the proposal in the street scene or make a significant difference to the impact on openness.
13. The appellant has drawn my attention to two allowed appeals for extensions to dwellings in the Green Belt in Tandridge¹. But the site circumstances differ significantly from those at the current appeal site. At the first, the proposal was largely at the rear on falling ground levels, would not be readily visible in the street scene and would mirror a similar development at the adjacent site. The second appeal site is enclosed by high embankments and the Inspector considered that the extension would only have a marginal effect on openness.

Conclusion

14. The proposal amounts to inappropriate development and the Framework indicates that this is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt. There would be an impact on openness in the Green Belt, but the proposal would not adversely affect the character and appearance of the area. Nonetheless, there are no very special circumstances that outweigh the harm arising from the proposal on the Green Belt. There would also be conflict with policies DP10 and DP13 of the LP in relation to inappropriate development and new development in the Green Belt.
15. For the reasons given and having regard to all other matters raised, including the representations from interested parties, the appeal should be dismissed.

Rory MacLeod

INSPECTOR

¹ 3 St Denys Orchard (APP/M3645/D/19/3225214) and Taylors Hill (APP/M3645/W/16/3156272)