



Appeal Decision

Site visit made on 23 October 2019

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2019

Appeal Ref: APP/Z3635/D/19/3234253

6 St Pinnock Avenue, Staines-Upon-Thames TW18 2HX

- 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 David Jarman against the decision of Spelthorne Borough Council.
 - The application Ref 19/00528/HOU, dated 12 April 2019, was refused by notice dated 27 June 2019.
 - The development is proposed single storey garage extension to side of existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following the submission of the appeal, it has been confirmed by the appellant that the wrong name was provided on the original planning application form. Therefore, in the banner heading above, I have taken the appellant's name from the appeal form and I am satisfied that in making this change, the interests of the main parties have not been compromised.

Main Issues

3. The existing house is not located within the Green Belt, however, the red-line of the appeal site does include Green Belt land and the proposed extension would be located within this designation.
4. Accordingly, the main issues are:
 - i) whether the proposal would constitute inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the openness of the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the area;
 - iv) if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate development

5. Paragraph 143 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt. However, an identified exception to this 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.
6. When considering extensions, the Framework makes no reference to scenarios whereby an original building is not located within the Green Belt but a proposed extension would be. Moreover, local policy does not specifically address this point. Despite this, the protection aims of Green Belt policy are clear and the fundamental aim within the Framework is to prevent urban sprawl by keeping land permanently open. Therefore, regardless of the location of the Green Belt boundary, in my view, a cautious approach should be taken in my assessment of the appeal. Accordingly, the appeal site should be considered as a whole when assessing whether the proposal constitutes inappropriate development.
7. The original building has been extended in the form of a two-storey side extension as well as a single storey addition to the rear. Whilst these complement the form and appearance of the original building, they have substantially increased its floor area. The proposed extension would result in a further enlargement of the building and based on the evidence before me, in terms of overall floor area, the cumulative size of the extensions would double the size of the original building. Consequently, due to the size of the previous alterations, the proposed extension would result in disproportionate additions over and above the size of the original building.
8. Accordingly, for the reasons identified above, I conclude that the proposal would represent inappropriate development within the Green Belt. It would therefore fail to comply with the Green Belt protection aims of the Framework, as well as Policies GB1 and EN2 of the Spelthorne Core Strategy and Policies, Development Plan Document (2009) (CS). Taken together, these seek to protect the Green Belt from inappropriate development.

Openness

9. The area for the proposed extension is currently laid to hardstanding. It is utilised for the parking of cars but there are no built structures. The site is located adjacent to an open field and although a low hedge separates the two spaces, the absence of a tall enclosure and the absence of any built form ensures that this part of the appeal site makes a small contribution to the overall openness of the adjacent space.
10. The proposal would introduce an extension into an area that is currently absent from any structures. As a consequence, the presence of built form within the Green Belt would increase. I therefore conclude that the proposal would harm the openness of the Green Belt, albeit that this harm would be minor in its nature.

Character and appearance

11. As identified above, the existing building is a two storey, extended dwelling. It has a hipped roof and is finished in render. In this respect, it is typical of the surrounding architecture.
12. The proposed extension would be single storey in height, and it would have a hipped roof to match the existing building. Due to the scale and appearance of the proposed extension, I am satisfied that it would be complementary to the existing building. I am also satisfied that the extension would be complementary to the prevailing characteristics of the surrounding area.
13. Consequently, I conclude that the proposal would not harm the character and appearance of the surrounding area. It would therefore accord with Policy EN1 of the CS which requires a high standard in the design and layout of new development.

Other considerations

14. The proposal would provide the appellant with a storage area that would replace the previously converted integral garage. Whilst this would be of benefit to the appellant, it is a private benefit to which I attach very little weight.
15. My attention has been drawn to a development at the adjacent Football Club which is also located within the Green Belt. Whilst this may affect the openness of the Green Belt, I do not have the full details of the case before me. However, in any event, this represents a very different form of development and consequently, I am satisfied that it is not comparable to the proposal that is before me. Accordingly, it has no bearing on my conclusions set out above.
16. I have also been provided with a copy of a Council report titled 'Green Belt Assessment (Stage 1) Report: Methodology and Assessment'. This report identifies the area of Green Belt in which the appeal site is located as being 'weak' in relation to the purposes of Green Belt land. However, regardless of this conclusion, the Green Belt boundary has not been altered and consequently, the proposal has to be assessed on this basis. Accordingly, I attach very little weight to the findings of this report.

Other Matters

17. The Council also refused planning permission because the proposal would result in Green Belt land being incorporated within the curtilage of the existing dwelling. However, despite this, little has been presented to expand upon this point including in relation to any harm that would derive from their concerns.
18. The appellant has provided evidence which seeks to demonstrate that the area in concern has been used for domestic purposes for a number of years and that this is therefore its established use. Nevertheless, it is not the purpose of this appeal to determine the lawful use of land and the description of development makes no reference to any suggested change of use. In addition, the evidence in relation to the status of the land provided by the appellant is not compelling when viewed in the context of the detailed Green Belt Assessment report identified above. I therefore have no compelling evidence before me that the land in question is not located within the Green Belt. I have therefore assessed the appeal on this basis and for the reasons identified above, I have found the

proposal to be harmful. Therefore, the matter in relation to the use of the land would not affect or alter my overall conclusion.

Conclusion

19. Whilst the proposal would not harm the character and appearance of the area, I have found that it would represent inappropriate development within the Green Belt. It would also result in a limited degree of harm to the openness of the Green Belt.
20. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm. Moreover, it also states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
21. For the reasons identified above, the harm to the Green Belt would outweigh the other considerations. Consequently, the very special circumstances necessary to justify the proposal do not exist and therefore the proposal fails to accord with the Green Belt protection aims of the Framework.
22. I therefore conclude that the appeal should be dismissed.

Martin Chandler

INSPECTOR