



Appeal Decision

Site visit made on 30 October 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2019

Appeal Ref: APP/Z3635/D/19/3235586

Cockaigne, Sandhills Meadow, Shepperton TW17 9HY

- 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 Darren Fuller against the decision of Spelthorne Borough Council.
 - The application Ref 19/00637/HOU, dated 5 May 2019, was refused by notice dated 9 July 2019.
 - The development proposed is raising part of the existing rear roof only to match the ridge height of the main house and inserting a rear window and balcony.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. There have been previous applications for similar development at the site refused by the Council and dismissed at appeal¹. These decisions are material considerations in the determination of this appeal.

Main Issues

3. The main issues are
 - (a) whether the proposal would constitute inappropriate development in the Green Belt, including its impact on the openness of 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

4. Cockaigne is a detached, chalet bungalow in a narrow plot backing on to the River Thames but set further back from the river than the properties Gypsy and Sunnybank to either side. The site fronts the track Sandhills Meadow and is located within a functional flood plain, the Green Belt and a Plotlands Area.

¹ Application Ref 15/01167/HOU and Appeal Ref: APP/Z3635/D/16/3142167;
Application Ref 18/00025/HOU and Appeal Ref: APP/Z3635/D/18/3203974.

5. Cockaigne is a replacement dwelling which was approved in 2003 (Ref 03/00693/FUL) and which has subsequently been enlarged. The proposal would enable the provision of an additional room at first floor level at the back of the dwelling by the raising of a hipped pitched roof and insertion of a Juliet style balcony in a new rear facing gable wall.
6. Paragraph 145 of the National Planning Policy Framework (the Framework) advises that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, exception (c) enables "*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*".
7. Saved Policy GB1 of the Spelthorne Borough Local Plan (2007) permits limited extension of dwellings in the Green Belt; it pre-dates the Framework but is broadly consistent with it. Policy EN2 of the Spelthorne Core Strategy and Policies DPD (2009) (SCS), sets out a series of criteria relating to the replacement and extension of dwellings in the Green Belt and Plotland Areas of the borough. It only permits an extension where it does not significantly change the scale of the original building, regardless of the size of the plot. Supporting paragraph 10.10 explains that "*In this context 'original' refers to the building as originally constructed or as at 1947 whichever is the later, not the building as it exists at present*".
8. The Council states that the original former dwelling at the site contained a floor space measuring 70.5m², and that the present dwelling as granted originally had a footprint measuring 94.3m² with no habitable accommodation in the roof space. The existing dwelling has since been enlarged at ground floor level and now also includes accommodation in the roof space. The Council estimates that the dwelling now has floor area of 154.25m² and that the proposed first floor extension would add approximately 21.7m² of additional internal floor space to the first floor. This would result in a total floor space of some 175.95m². These figures are higher than referred to in previous appeals and the Council has some doubts on the accuracy of the present drawings upon which their calculations are based. However, the appellant has not disputed these figures.
9. The proposal would result in a floor area almost twice that of the existing building as first constructed, the 'original' building for the purpose of Policy EN2. The cumulative increase in floor area would not be "*limited*" in relation to Policy GB1, it would "*significantly change the scale of the original building*" in relation to Policy EN2 and would result in "*disproportionate additions over and above the size of the original building*" in respect of the Framework.
10. The appellant contends that the floor area would not be changed as it is currently a storage area in the loft. However, as the proposal would create habitable accommodation it would effectively increase useable floor area. It would also add to the massing of the building at first floor level. Whilst the change would be at the back of the building, it would be perceived in oblique views across adjacent plots and from the river. It would result in some loss of openness which would be harmful to the Green Belt.
11. My finding on the first issue is that the proposal would be inappropriate development in the Green Belt. Paragraph 143 of the Framework states that "*Inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances*".

Character and appearance

12. The site is located within a designated Plotlands Area, an area of distinctive properties, located mostly along the River Thames. Whilst these were originally designed as weekend or holiday bungalows with low profiles, redevelopment over the years has resulted in properties being rebuilt or altered to become permanent homes and to reduce their susceptibility to flood damage. Nonetheless, most dwellings in the vicinity of the site remain single storey with low profile roofs in accordance with criterion (f) to Policy EN2 on the replacement and extension of dwellings in Plotland Areas.
13. The appeal property has an upper floor, but this is contained below a limited width flat roof strip (that runs across the dwelling parallel to the river) and under a modestly sized and recessed rear facing dormer. There are pitched roofs to the front and rear of the flat roofed section. The proposal would create a second flat roofed area of similar width and length with a sloping roof to either side. This would project to the rear of the building, to contain the additional room, and would result in a dual axis flat roof. Whilst this flat roof formation would not be particularly conspicuous from ground level, the additional massing and first floor gable end close to the ground floor rear wall would be noticeable features. The altered roof profile would be visible from Sandhills Meadow because of the forward siting of Cockaigne in relation to neighbouring dwellings.
14. The proposal would change the scale of the original building and detract from the character of the area in this sensitive riverside location. It would thereby be harmful to the character and appearance of the Plotlands Area and contrary to Policy EN2(f) in that the proposal would not be predominantly single storey with a low profile roof. There would also be conflict with Policy EN1 of the SCS which requires the design of new development to respect the character of the area in which they are situated paying due regard to the scale, height and proportions of adjoining buildings and land.
15. The appellant has referred to several other altered or rebuilt dwellings nearby some with higher ridge lines and a few incorporating first floor gable ends with a window or balcony. I have not been made aware of the circumstances giving rise to the permissions for these developments. However, the presence of these features on other dwellings does not outweigh my finding that the proposal would not be respectful of the predominant Plotland character as most dwellings in Sandhills Meadow remain single storey with an uncomplicated low profile roof.

Other considerations

16. The existence of larger and altered buildings on neighbouring sites in the Plotlands Area does not constitute very special circumstances as the relevant national and local Green Belt policies require assessment of the proposal against the original size of the building at the appeal site. Neither does the fact that the floor area exists as a relatively inaccessible loft space amount to very special circumstances as all such loft areas beneath a sloping roof could be similarly vertically extended. The absence of overlooking of neighbouring dwellings is a neutral consideration.

Conclusion

17. The proposal would amount to inappropriate development in the Green Belt and would also result in harm to the character and appearance of the area. Paragraph 144 of the Framework states that "*substantial weight should be given to any harm to the Green Belt*". There are no other considerations that amount to the very special circumstances necessary to justify the development and which would outweigh the harm to the Green Belt and to the character of the area. The proposal would therefore also be contrary to policies GB1, EN1 and EN2 of the development plan and with the Green Belt policies of the Framework. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Rory MacLeod

INSPECTOR