

Appeal Decision

Site visit made on 11 February 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2020

Appeal Ref: APP/R3650/D/19/3238885

Stillwaters, Thursley Road, Churt GU10 2LQ

- 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 D Collier and Dr S Osborne against the decision of Waverley Borough Council.
 - The application Ref WA/2019/0897, dated 28 May 2019, was refused by notice dated 23 July 2019.
 - The development proposed is the erection of an extension and alterations.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr D Collier and Dr S Osborne against Waverley Borough Council. This is the subject of a separate decision.

Main Issue

3. The main issue in relation to the Green Belt is:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt; and
 - if there is harm by reason of inappropriateness, would it be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

4. Stillwaters comprises a split-level dwelling and its grounds, occupying a rural location inside the Surrey Hills Area of Outstanding Natural Beauty (the AONB) and an area of Great Landscape Value (AGLV). The site is within influence of the East Hants and Wealden Heaths Special Protection Areas and Special Area of Conservation (the SPAs). The Metropolitan Green Belt washes over the site.

Whether inappropriate development in the Green Belt

5. The Framework establishes that the construction of new buildings in the Green Belt is inappropriate subject to several exceptions. I consider the most relevant to this proposal to be that within Paragraph 145 c), which relates to 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. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (adopted 2018) (WBLPP1) seeks to follow the Framework's approach to development within the Green Belt. Saved Policy RD2 of the Waverley Borough Local Plan 2002 (adopted 2002) (WBLP2002), amongst other things, permits extensions to a dwelling that would not result in disproportionate additions over and above the size of the original dwelling. I consider both policies to be broadly consistent with the Framework.
7. Stillwaters was originally constructed in around 1923. It has been altered and extended, most notably with a flat roof extension constructed in the 1970s under planning permission Ref HM/R 20654 (the 1972 Permission). A subsequent planning permission to improve the design of the dwelling was granted in 2005 under Ref WA/2005/2497 (the 2005 Permission), which included a dormer roof enlargement and also the addition of pitched roofs to the previously approved extension.
8. The parties differ in their assessment as to the size of Stillwaters and how it has changed. The clearest evidence is that of the appellants, which is based upon the officer report associated with the 2005 Permission. It provides a figure of 178.08sqm for the floor space of the original dwelling and a deduced figure of 248.06sqm at the time the officer report was authored in 2005. With the addition of the dormer pursuant to the 2005 Permission, the evidence draws the conclusion that the floorspace of the dwelling has increased by 43% to date.
9. The proposal seeks to add an extension from Stillwater's north west elevation, at its upper level. When considered in isolation, it would be modest in size, measuring around 3m in depth, with a width of 9.35m, giving a floor area of 27.97sqm. However, the extension must be considered in combination with what is already on the site. On this basis, the proposal would bring an overall increased footprint of around 58%, greater than half the size of the original building. The pitched roofs added pursuant to the 2005 Permission also add notably to the volume of the property, in my view. As such, the appeal proposal would, when considered cumulatively with previous extensions and additions, amount to a disproportionate enlargement to the original building.
10. Consequently, the extension would be inappropriate development in the Green Belt. The proposal would conflict with Policy RE2 of the WBLPP1, saved Policy RD2 of the WBLP2002, and the Framework insofar as they seek to protect the Green Belt from inappropriate development. Although reference has also been made to the supporting text to Policy RD2 within the WBLP2002, this is not part of the saved policy, and, in any event, constitutes only guidance. As such, it has carried limited weight in my assessment.

Openness

11. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Openness is the absence of development and has both spatial and visual aspects.
12. Stillwaters occupies a secluded spot. However, its generous grounds, including the proposed location of the extension, exhibit high levels of spatial openness. This would be diminished by the physical presence of the proposed extension, albeit to a very modest extent. Given such, whilst I accept that the visual

aspect of the Green Belt would be largely unaffected, openness would not be preserved, contrary to the objectives of national and local policy.

Other considerations

13. The extension's design would improve this part of Stillwaters aesthetically. However, the limited scope of the proposed work is such that this matter attracts only modest weight. This appears to be different to the circumstances of the scheme at White Cottage¹, where the enhancements to the building were more significant. Stillwater's internal living environment would also be somewhat enhanced, and this also weighs modestly in favour of the scheme.
14. In 2017 a Certificate of Lawfulness of Proposed Use or Development was granted at the site for a proposed single storey extension (the Certified Extension), which, at the time of my visit, had not commenced². It would extend from a different part of Stillwater's north west elevation, measuring 4m deep and 6m wide, 3m tall, with a floor area of 24sqm. I have no reason to doubt that its implementation is a real prospect, and, in the circumstances, I am satisfied that it would also be disproportionate to the original dwelling.
15. However, the Certified Extension would be slightly smaller than the proposal. It would be lower in height and in a more innocuous position, set down and tucked into a corner of the building. Whilst it could be finished in a more substantial material, this would do little to alter its limited effect. As such, despite being of greater depth than the proposed extension, the Certified Extension would be less harmful to the openness of the Green Belt. It is therefore not a factor in the appeal proposal's favour.
16. Going further, there is no mechanism before me to prevent its implementation, and it could therefore be undertaken not as an alternative, but in addition to the appeal proposal. If this was to occur the cumulative effects would be more harmful. This weighs against the appeal scheme.
17. I accept that the proposal would not harm the character and appearance of the area, particularly the landscape and scenic beauty of the AONB and the AGLV. On this basis, it would not conflict with criteria b) and c) of Policy RD2. The absence of harm in these regards weighs neutrally in my reasoning. The absence of conflict with other relevant policies, or harm to ecology, the living conditions of neighbouring residents or the nearby SPAs are also neutral factors in my assessment of the scheme.

Green Belt Balance

18. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm by reason of inappropriateness is clearly outweighed by other considerations.
19. I have found that the proposal would be inappropriate development within the Green Belt and it would also fail to preserve openness. These are harms to which the Framework requires me to attach substantial weight. The modest benefits that would arise from the aesthetic improvement to the appearance of

¹ Ref WA/2018/2205

² Ref WA/2019/0386

the building and the quality of its internal environment would not clearly outweigh the harm I have identified to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist

Conclusion

20. I therefore conclude that the proposal would conflict with the development plan and the Framework when taken as a whole and for this reason the appeal should be dismissed.

Matthew Jones

INSPECTOR