



Appeal Decision

Site visit made on 12 February 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2020

Appeal Ref: APP/M3645/D/19/3241185

Brackenwood, Blackberry Road, Felcourt, RH7 6NQ

- 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 Nick Pell against the decision of Tandridge District Council.
 - The application Ref: TA/2019/1055 dated 10 June 2019, was refused by notice dated 1 October 2019.
 - The development proposed is described as 'the construction of a 2.94m x 3.3m conservatory on the west side of existing detached dwelling. Roof to be glazed pyramid, walls to be glazed with 6 no. opening windows on 1m high masonry walls faced in brick to match existing construction. Eaves height to match existing'.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. Brackenwood is a detached chalet bungalow located at the end of a ribbon of residential development on the northern side of Blackberry Road. To the side and rear the property is surrounded by woodland, opposite there is a field. The site is located within the Metropolitan Green Belt.

Whether inappropriate development in the Green Belt

4. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a limited number of exceptions as set out in paragraph 145 of the National Planning Policy Framework (the Framework). One of the

- exceptions is c) 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. Neither the Framework nor the local plan define 'disproportionate'. However, the supporting text to Policy DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (Local Plan) sets out that each case will be judged on its individual merits and factors such as the size of the original building, the bulk, height, mass and prominence of the extension and impact of the proposal on the openness of the Green Belt will be taken into account.
5. The original dwelling house, based on its size as it was on 31 December 1968 when the policy was first introduced, is indicated to have been modest in size with a volume of approximately 259 cu.m. This size is not disputed. The proposed extension would be a single-storey conservatory, positioned to the side of the property. I have not been provided with specific details of the volume of the proposed extension. However, it would be of modest proportions, with a footprint of less than 10 sq.m. When considered in isolation, the proposed extension would be a modest addition to the property. However, the extension must be considered in combination with what is already on the site. The original dwelling has already been extended. These extensions, in combination with the appeal proposal are indicated to amount to 712 cu.m, which would amount to an increase of 175% above the size of the original dwelling. This would more than double the size of the original building. As such, the appeal proposal, when considered cumulatively with those previous extensions, would amount to a disproportionate enlargement to the original building.
 6. I have been referred to a recent appeal¹ at 3 St Denys Orchard, Tandridge where the Inspector found the extension of a property would not amount to a disproportionate addition to the original dwelling. Whilst I do not have the full circumstances of that case before me, I note that the increase in volume of the original house in that case based on a worst-case scenario would be 86% and as such it was significantly less than 175% in this case. On this basis, I do not consider it is directly comparable to the scheme before me.
 7. As such, the extension would be inappropriate development in the Green Belt. Such development is, by definition, harmful and is contrary to the Framework and Policies DP10 and DP13 of the Local Plan.

Effect on the openness of the Green Belt

8. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. Openness is the absence of development and has both spatial and visual effects.
9. In spatial terms, the proposed extension would increase the footprint of the building and extend the building line into the undeveloped area of land to the side of the house. Whilst neither unduly tall nor bulky, the position of the proposed extension at the side of the house, even though set back from the front elevation, would make it visible and prominent beyond the driveway when viewed from Blackberry Road. The open character of the site would also contribute to its visual prominence, although this would be less so during summer months when trees are in leaf and would provide some screening from

¹ APP/M3645/D/19/3225214

the road. The additional footprint of development in combination with the visual prominence of the extension would cause a loss of openness.

10. I conclude that the appeal proposal would result in a small loss of openness thereby causing limited harm to the Green Belt. Therefore, it would be contrary to the objectives of the Framework.

Other considerations

11. I have had regard to the appellant's reasons for requiring the conservatory which would provide for a lighter and larger living space that would enhance his family's quality of life and enjoyment of the location in which they live. I attach limited weight to this.
12. The proposed development would not result in any loss of woodland or trees or impact on biodiversity. It would not cause any harm to the living conditions of neighbours. It would also not result in any loss of off street parking. Furthermore, due to the modest size and design of the conservatory, I am satisfied that the proposed development would not harm the character and appearance of the area. These are neutral factors in the balance.

The Green Belt Balance

13. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also found that it would cause limited harm to the openness of the Green Belt. These are matters to which I give substantial weight as required by paragraph 144 of the Framework.
14. The appellant has not forwarded any very special circumstances and I have found that there are no other considerations that clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

15. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Rachael Pipkin

INSPECTOR