



Appeal Decision

Site visit made on 2 June 2020

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2020

Appeal Ref: APP/M3645/D/20/3246689

Oakfields, Copthorne Bank, Copthorne RH10 3JF

- 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 Mrs E Apps against the decision of Tandridge District Council.
 - The application Ref TA/2019/1722, dated 24 September 2019, was refused by notice dated 28 November 2019.
 - The development proposed is a two-storey rear extension and first floor side extension over existing.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey rear extension and first floor side extension over existing at Oakfields, Copthorne Bank, Copthorne RH10 3JF in accordance with the terms of the application, Ref TA/2019/1722, dated 24 September 2019, and the plans submitted with it, subject to the conditions set out in Annex A.

Main Issues

2. The main issues are:
 - whether the proposal would represent inappropriate development in the Metropolitan Green Belt (the Green Belt) having regard to the *National Planning Policy Framework* (the Framework) and relevant development plan policies, and if inappropriate development;
 - the effect of the proposal on the openness of the Green Belt, and;
 - whether any harm by reason of inappropriateness, or 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 the proposal is inappropriate development in the Green Belt

3. Copthorne Bank is a single carriage highway that runs past fields and residential brick and tile development in the Green Belt towards the settlement of Copthorne. 'Oakfields' is a two-storey, semi-detached dwelling with a side garage set back from Copthorne Bank behind hedging, a gravelled driveway and a level parking area. To the rear there is a fenced garden with some hedges and mature trees that border the neighbouring wooded garden areas seen to the rear and right-hand boundary. The proposal is to construct a two-storey rear extension and a first-floor side extension above the existing garage of the host dwelling.

4. The Framework sets out clearly in Paragraphs 143-147 that unless an exception can be demonstrated that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except where very special circumstances exist.
5. The appellant contends that Paragraph 145 (c) of the Framework applies, in so far as that the proposed extensions and alterations do not result in disproportionate additions over and above the size of the original building, and hence represents an exception in respect of inappropriate development in the Green Belt. Nonetheless, the proposal at 'Oakfields' would be 76% larger than the original residential dwelling as it existed on 31 December 1968. As such, the Council submits that the proposal is disproportionate to the original dwelling, and contrary to the Framework and Policy DP13 of the Tandridge Local Plan Part 2 Detailed Policies 2014 (TLP).
6. However, there is not an express definition of what 'disproportionate' means in practice contained within either the Framework or the relevant adopted local plan. Indeed, the circumstances in this case are that there is an extant planning permission for visually similar extensions under construction at the directly adjoining property of 'Halcyon'. Furthermore, the Council Officer report associated with that development identified the extensions as proportionate to the original dwelling. As such, the neighbouring extensions were found to be in accordance with relevant local plan policy.
7. Moreover, whilst I do not have the mathematical equations for the volumetric size related to the extensions at 'Halcyon' or the percentage increase of the building, it is clear that in this particular instance that the Council made an assessment for the semi-detached building and found that the development was proportionate. As such, it is unclear why the Council has sought to apply planning policy in a different way for an extension of similar size and mass at the neighbouring 'Oakfields'.
8. Therefore, in this specific instance, and in the planning judgement, I do not find that the proposal would represent a disproportionate addition over and above the size of the original building. Indeed, in this case the proposal is for a relatively modest set-back extension with a ridge line that is subordinate to the host dwelling. I conclude therefore, that the proposal is not inappropriate development in the Green Belt.
9. Consequently, the proposal would accord with Policies DP13 and DP10 of the TLP which say that development will be permitted as an exception if it does not result in disproportionate additions over and above the size of the original building as it existed at 31 December 1968 (for residential dwellings), or if constructed after the relevant date, as it was built originally, and for similar reasons, the aim of Paragraph 145 (c) of the Framework which says that development will be permitted as an exception if the extension or alteration of a building does not result in disproportionate additions over and above the size of the original building.

Other Matters

10. The Council raises no issues in respect of the character and appearance of the area, or the effect of the proposal on the living conditions of the neighbouring occupiers, and I find no reason to disagree.

11. Given my conclusions on whether the proposal represents inappropriate development in the Green Belt or not, it has not been necessary for me to consider the effect of the proposal on the openness of the Green Belt, or whether there are any very special circumstances necessary to justify the development.

Conditions

12. The Council have not suggested any detailed conditions for the proposal. Therefore, I have considered Paragraph 55 of the Framework and the national Planning Practice Guidance and imposed the following conditions for certainty; a standard time condition, a condition requiring that the development is carried out in accordance with the approved plans, and a condition related to external materials.

Conclusion

13. For the reasons given above the appeal should succeed and planning permission be granted, subject to the conditions set out in Annex A.

J E JOLLY

INSPECTOR

Annex A – Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing No 6395 Rev A (plans and elevations as existing), dated 01.05.18
 - Drawing No 6637 (plans and elevations as existing and proposed), dated 23.09.19
 - Ordnance Survey Map 'red-edged site location plan', dated 8 June 2018
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing No 6637 (plans and elevations as existing and proposed), dated 23.09.19.

*****End of Conditions*****