



Appeal Decision

Site visit made on 24 August 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2020

Appeal Ref: APP/M3645/D/20/3253034

Pedlars Cottage, Ridlands Rise, Limpsfield RH8 0TF

- 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 Richard Jashek against the decision of Tandridge District Council.
 - The application Ref TA/2020/19, dated 6 January 2020, was refused by notice dated 6 March 2020.
 - The development proposed is dormer extensions to existing playroom/store above garage and landscape amendments to approved pool house layout (application ref: 2013/1719).
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Decision

1. The appeal is allowed and planning permission is granted for dormer extensions to existing playroom/store above garage and landscape amendments to approved pool house layout at Pedlars Cottage, Ridlands Rise, Limpsfield RH8 0TF in accordance with the terms of the application Ref TA/2020/19, dated 6 January 2020, subject to the following conditions:
 - a) The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision letter.
 - b) The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans: 100, 105, 106, 107, 108, 110, 111, 115B, 116A, 120 and 121.

Preliminary Matter

2. I have taken the site address from the planning application form although I note it is expressed differently on the planning appeal form.

Main Issues

3. The main issues are: -
 - a) Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - b) The effect of the proposal on openness;
 - c) The effect of the proposal on the character and appearance of the area; and

d) Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal?

Reasons

Inappropriate development

4. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts being their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (the Local Plan) sets out that planning permission for any inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused.
5. The Framework states that the local planning authority should regard construction of new buildings as inappropriate development in the Green Belt unless it is one of seven specific exceptions (paragraph 145 of the Framework). One of the exceptions 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'. Policy DP13 of the Local Plan also sets out this exception and similarly requires the extension or alteration to residential dwellings within the Green Belt not to 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.
6. I note from the planning history that this property has benefitted from a number of planning permissions to enlarge the property and provide outbuildings, most of which have been implemented.
7. I acknowledge that the Framework does not set a specific figure or offer any detail on the definition of what is a disproportionate extension and the Local Plan does not offer any advice in this respect. The proposed dormers would add to the volume of the existing garage, albeit they would not increase the existing footprint of the outbuilding and would be contained forming part of the existing building. I consider the proposed dormers, being extremely modest additions to the outbuilding, would not amount to disproportionate additions in this case.
8. The swimming pool building previously permitted has not been erected, however due to other elements of that permission having been carried out, the potential to erect that swimming pool building remains extant. I consider this to be a significant and relevant consideration. This proposal seeks permission for a swimming pool building of comparable size to that previously permitted, although in a revised right-angle position to that previously approved. Whether or not the swimming pool building would represent a disproportionate addition, erection of the building has been established. In terms of additions, the swimming pool building would have similar effect to that of the previously approved building. It appears to me that in submitting this proposal there is a clear intention on the part of the appellant to create an enclosed swimming

pool at the property, albeit orientated alternatively at a right-angle to that previously permitted. This fallback position holds significant weight.

9. Having regard to the modest size of the dormers and the fallback position relating to the swimming pool building, for the purposes and the Framework and Policies DP10 and DP13 of the Local Plan, I find that the proposal does not constitute inappropriate development.

Openness

10. The Framework sets out that the essential characteristic of Green Belts is their openness and their permanence. The swimming pool building would be a large building that would reduce openness. However, such a building can be erected at the site pursuant to a previous planning permission. Given the extremely modest size of the roof dormers the impact upon openness would be quite modest.

Character and appearance

11. The reorientation of the swimming pool building would position the building close to the house and garage creating a cluster of buildings consolidating built form between the house and the site boundary. This would reduce the separation between the house and the site boundary. However, it would contain built development closer to existing buildings at the site and have a lesser projection into the garden than that of the previously approved swimming pool scheme. I consider the reorientation of the building would better integrate this structure within the existing group of buildings at the property. Whilst this would create development across the width of the appeal site, I do not consider this arrangement would create a development of cramped appearance. The swimming pool building would be sited at a lower ground level to that of the house and the outbuilding and would be single storey. It is suggested that collectively the outbuildings would compete with the footprint of the house, albeit given that it and the other outbuildings would appear as subservient buildings to the house. I do not consider this to be a critical point.
12. The proposed dormers would only relate to one roof slope of the outbuilding and would be positioned below the ridge, above the eaves and stepped in from the sides of the roof slope. They would, therefore, be contained within the roof slope. The dormers would not appear disproportionately large when viewed in the context of the size of the outbuilding and its roofscape. I do not consider that the dormers would appear appreciably different to the design of the host outbuilding or be substantially out of keeping with the context of the house and its outbuildings.
13. For these reasons, I conclude that the proposed development would not harm the character and appearance of the area. As such, the proposed development would not materially conflict with Policies CSP18 and CSP21 of the Tandridge District Core Strategy 2008 (the Core Strategy) and Policy DP7 of the Local Plan that seek, amongst other matters, development to be of a high standard of design and to conserve and enhance landscape character.

Other harm

14. The Council's decision letter does not raise any other issues of harm other than those matters discussed above.

15. Limpsfield Parish Council point to policies within the Limpsfield Neighbourhood Plan that seek to ensure that development in this part of the Parish would 'conserve and enhance landscape and natural beauty'. Given the contained nature of the proposed development being limited to the domestic curtilage of Pedlars Cottage, there would be no substantial impact on the wider landscape or its open character. I have dealt with concerns relating to the Green Belt above.

Very special circumstances

16. I have found that the proposed development does not constitute inappropriate development and the construction of the swimming pool building has already been established, therefore, it is not necessary for any special circumstances to be demonstrated to potentially justify the proposal. There is no need for me to explore this matter further.

Other considerations

17. The Council has referred to Policy DP14 of the Local Plan and the Limpsfield Neighbourhood Plan within its Officer Assessment, though this policy and the Neighbourhood Plan have not been specifically cited within the Council's reasons for refusal. Given my findings above in respect of the subservience of the proposal and its impact upon character and appearance, based upon the evidence before me, it does not appear to me that there would be any significant conflict with Policy DP14.
18. I have been provided with Policies LNP3 and LNP5 from the Neighbourhood Plan, however given my findings above there would not be any significant conflict with these policies that seek to achieve appropriate design and safeguard landscape character.

Conditions

19. I have considered the planning conditions suggested by the Council in light of paragraph 55 of the Framework and the advice in the Planning Practice Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring the development be carried out in accordance with the approved plans.

Conclusion

20. In the absence of harm to the Green Belt due to inappropriateness and any other harm it is not necessary for me to consider whether there are any other considerations that weigh in favour of the proposal. I have concluded that the proposed development would not conflict with the Framework objectives and Policies DP7, DP10 and DP13 of the Local Plan and Policies CSP18 and CSP21 of the Core Strategy. Having regard to my above findings the appeal should succeed.

Nicola Davies
INSPECTOR