
Appeal Decision

Site visit made on 8 September 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2020

Appeal Ref: APP/M3645/W/20/3249613

9 Beulah Walk, Woldingham, Caterham CR3 7LN

- 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 & Mrs Gavin against the decision of Tandridge District Council.
 - The application Ref TA/2019/1637, dated 6 September 2019, was refused by notice dated 9 December 2019.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt, and if so its effect on openness
 - the effect on the character and appearance of the area, including the retention of trees
 - the effect on the living conditions of neighbouring occupants at 7 Beulah Walk, with respect to overlooking and loss of privacy
 - if the development is inappropriate, whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

3. In the Green Belt, Policy DP13 of the Tandridge Local Plan Part 2 regards the replacement of a building as not inappropriate provided the new building is in the same use, is not materially larger than the building it is replacing, and is sited on or close to the position of the existing building except where an alternative siting within the curtilage demonstrably improves the openness of the Green Belt. The wording expands upon but is consistent with the most recent version of the National Planning Policy Framework (the 'Framework') (February 2019), which sets the national planning policy approach to development in the Green Belt.

4. The Council has measured the existing building to have a floor area of 72.4m² and a volume of 291m³. The appellant has measured it to have a floor area of 66m² and a volume of 351m³. The proposed building would have a floor area of 239m² and a volume of 785m³. Neither have been explicit in how these measurements have been taken so I am unable to determine the reason for the discrepancies. However, taking either set of measurements, the proposed building would have a floorspace approximately three and a half times that of the existing dwelling, and a volume approximately two and a half times that of the existing dwelling.
5. Due to the slope of the land the terrace at the rear of the dwelling is built up and forms a substantial structure in its own right. It would be removed as part of the development, in part being replaced by the ground floor of the proposed building. However, land at the top of the site would also be built up to form a larger parking area, thereby creating a similar mass on the site, albeit in a different position. Removal of the existing terrace would not therefore result in a reduction in built form on the site even were it to be considered as part of the main building.
6. Both main parties have taken account of the various small sheds and outbuildings on the site in their calculations. These do not form part of the main building being detached from it and insubstantial in construction. Nor do they form part of the primary living accommodation on the site, all being used for garaging, garden storage or similar. In this case I do not consider them relevant when determining whether the proposed building is materially larger than the one it replaces. Any replacement dwelling is likely to continue to have a need for outbuildings, which would themselves be replacements for the existing incidental structures.
7. The phrase 'not materially larger' is not defined in either the Tandridge Local Plan Part 2 or the Framework and therefore takes its normal dictionary definition. On any reasonable interpretation of that phrase the proposed building would be very significantly larger than the existing modest structure in terms of floorspace, volume and perceived bulk. In my view it cannot therefore be considered as an allowable exception to Green Belt policy.
8. I conclude that construction of the proposed building would be inappropriate development in the Green Belt and for that reason would conflict with Policies DP10 and DP13 of the Tandridge Local Plan Part 2 and national Green Belt policy as set out in the Framework.

Openness

9. The proposed building would be two storeys instead of one, which would be most apparent from its rear elevation. It would be a little higher and materially deeper than the existing building, with part of the building set into the ground. It would also be materially wider than the existing building, which would be apparent from both the front and rear elevations. Although the terrace would be removed, a similar mass would be formed at the top of the site to form the enlarged parking area.
10. Taken together, these differences between the existing and proposed buildings would result in a much larger building occupying a greater part of the site which would harm the openness of the Green Belt, both in absolute (spatial)

terms and also visually when viewed from Beulah Walk, adjoining properties and in views from across the valley.

Character and appearance

11. Beulah Walk and the wider Woldingham Garden Village is characterised by large houses set in spacious grounds surrounded by open countryside. The plots have landscaped gardens and mature tree cover with those along Beulah Walk sloping steeply with views out across the valley. The area retains a semi-rural character.
12. Within this area, the appeal site is somewhat of an exception being a narrower plot than most others along Beulah Walk and containing a considerably smaller dwelling. The proposed dwelling would, although materially larger than the existing dwelling, be consistent with the scale of other dwellings in the area. Its design and external appearance would be modern in form but not out of place in an area where all the dwellings are of individual designs and materials. The building would fill more of its plot, including narrowing the separation from the eastern side boundary, but not dissimilar to the spacing of neighbouring dwellings from their boundaries at 5 and 7 Beulah Walk.
13. The Council has raised concern at the potential loss of mature trees on the site. The appellant has referred to an arboricultural impact assessment submitted with a previous application which found that no harm would be caused to the protected trees on the site¹. Having regard to this information and from my observations, I am satisfied that the mature trees at the rear of the site would not be harmed by the development. They are some distance from the building itself and none of the ground works would affect land levels close to them. Protection during construction activity could be secured through condition. Excavation could have an impact on trees and hedging along the eastern boundary but these are of less public amenity value.
14. I conclude that the proposed development would not harm the character and appearance of the area or result in the loss of trees of public amenity value. It would therefore comply with Policy CSP 18 of the Tandridge District Core Strategy and Policy DP7 of the Tandridge Local Plan Part 2, which expect all new development to be of high quality design and to retain trees that are of public value.

Living conditions

15. The proposed dwelling would have a window in its western flank elevation facing towards the neighbouring property at 7 Beulah Walk. I am satisfied that this would be at a similar height and position to the side facing windows in the existing building. While lighting a bedroom on the first floor of the proposed dwelling, the window would in effect be at ground level in relation to external ground levels, and the existing boundary fence would therefore prevent overlooking between opposing windows.
16. The proposed dwelling would also have a balcony at first floor level on the rear elevation. Due to the respective positions of the proposed dwelling and the neighbouring property at 7 Beulah Walk, with the proposed dwelling being set further back in its plot, there would be no direct overlooking of the windows or the immediate area at the rear of the neighbouring property. There would be

¹ TA/2018/1465

some oblique views from the balcony of the mid and lower parts of the neighbouring garden, but this would not be an unusual relationship between neighbouring residential properties which have aspects facing towards the rear.

17. I conclude that the living conditions of the neighbouring occupants at 7 Beulah Walk would not be harmed by the proposed development and would therefore comply with Policy CSP 18 of the Tandridge District Core Strategy and Policy DP7 of the Tandridge Local Plan Part 2 which, amongst other criteria, require new development to safeguard the amenity of neighbouring properties.

Other Considerations

18. The appellant has drawn attention to the dwellings at 5 and 7 Beulah Walk and their respective replacement and enlargement into what are now substantial buildings. I do not have any details of these schemes or the factors the Council took into consideration when reaching its decisions and therefore have given them little weight. In any case, unlike an assessment based on character and appearance, the size and scale of neighbouring properties is not relevant in terms of Green Belt policy where the judgement is based only on whether a proposed building would be materially larger than the building it replaces.
19. The appellant has argued that the building could be increased in size by the exercise of permitted development rights. A Certificate of Lawfulness has been granted for proposed extensions to the north, east and west elevations of the existing dwelling². While these extensions could theoretically be carried out, there is no evidence to demonstrate that they would be carried out in practice. Even if they were, I am not convinced that they would have the same impact as the scheme now proposed. I therefore give this argument limited weight.

Planning Balance

20. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
21. The harm caused by the inappropriate nature of the development attracts substantial weight. In addition, harm would also be caused to the openness of the Green Belt through the increase in building mass on the site.
22. I have found that the development would not harm the character and appearance of the area, lead to the loss of protected trees, or harm the living conditions of the neighbouring property for the reasons set out above. However, the absence of harm on these issues does not add weight in favour of the scheme.
23. I consider the limited weight assigned to the extensions that could be carried out under permitted development rights does not clearly outweigh the substantial harm caused to the Green Belt. Consequently, very special circumstances to justify inappropriate development in the Green Belt do not exist. It follows that the appeal must fail.

² TA/2017/647

Conclusion

24. I conclude that the appeal is dismissed.

Guy Davies

INSPECTOR