



Appeal Decision

Site visit made on 25 August 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2020

Appeal Ref: APP/M3645/D/20/3246580

Espinette, Slines Oak Road, Woldingham CR3 7HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Tsoukkas against the decision of Tandridge District Council.
 - The application Ref TA/2019/1868, dated 23 October 2019, was refused by notice dated 17 December 2019.
 - The application sought planning permission for the erection of two storey extensions to front, sides and rear elevations including roof alterations without complying with a condition attached to planning permission Ref TA/2018/389, dated 14 September 2018.
 - The condition in dispute is No. 2 which states that: This decision refers to drawings numbered 1088-01 Rev A, 1088-02A, 03A, 04A, 05B, 06B, 07B, 08C, 09A, 10. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.
 - The reason given for the condition is: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the development Plan.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

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

Reasons for the Recommendation

Whether it would be inappropriate

4. The appeal site is occupied by a two-storey detached dwelling located on a large and spacious plot within the Green Belt. A two-storey extension has already been granted planning permission on the site which included a small external canopy. The appellant seeks to construct a larger external canopy than the one previously approved, and has therefore amended the plans referred to in condition 2 of the original permission.
5. Paragraph 145 of the Framework indicates that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. These exceptions include 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 DP10 and DP13 of the Tandridge District Local Plan Part 2: Detailed Policies (2014) are similarly worded and are consistent with the Framework's approach. However, there is no specific definition of disproportionate development within the Framework or these relevant development plan policies.
6. The proposed canopy, covering a floor area of 72.4m², is significantly larger than the approved canopy, with a floor area of 12.7m². The Council have calculated that the larger canopy would have a volume of 217m³ which, along with the approved extension to the dwelling, would result in a 70% increase in the size of the original building. None of these figures have been disputed by the appellant. Although there is no prescribed volume limit, the cumulative size of the proposed canopy and the approved extension would be a substantial and excessive addition to the original dwelling.
7. The appellant has stated that the Council's 40% volume limit is too rigid an interpretation of Green Belt policy. The Council have not specifically referenced a 40% volume limit. Nevertheless, the proposal would result in an addition of volume which is significantly over this amount and therefore if this is the figure the Council have used, it is not considered that their interpretation of the policies have been too strict.
8. It is also noted that the proposed canopy is different from an enclosed building. However, the proposed canopy would create useable, covered space and so would still result in the considerable visual extension of the dwelling creating a building which is clearly larger, albeit in a less solid form. Therefore, it would amount to a disproportionate addition and would be inappropriate development within the Green Belt.
9. The proposed inappropriate development would be harmful to the Green Belt which, in accordance with paragraph 144 of the Framework, should be given substantial weight.

Openness

10. Due to the location of the proposed canopy to the rear and side of the dwelling, it would be effectively screened by the dwelling and would have limited visibility from the public realm. Therefore, there would be limited visual impact on the openness of the Green Belt.

11. However, although an open canopy is different in nature to a solid building, there would still be a spatial impact on openness as it would enlarge the built form of the dwelling, and the space it occupies, into the open garden. The garden is large and spacious, however this would not reduce the impact on openness which would result from the larger canopy being constructed. Therefore, the development would have a significant spatial impact on the openness of the Green Belt.
12. The appellant suggests that any concerns that the canopy could be filled in at a later date, could be addressed by a planning condition attached to a planning permission and, in any case, the effect of such works on openness would be assessed at that time. The effect on openness from a solid form would be greater than that from the proposed canopy. Nonetheless, it is considered that the loss of openness resulting from the current proposal would be moderately harmful.
13. Substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. No other considerations, other than those mentioned above, have been suggested.

Green Belt Balance, Conclusions and Recommendation

14. I find that the harms to openness, and by virtue of its inappropriateness, that I have identified are not clearly outweighed by other considerations. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist.
15. Therefore the development in the Green Belt which would be undertaken if the plans in condition 2 of the original permission were amended would fail to accord with policies DP10 and DP13 which seeks to protect the Green Belt, along with the Green Belt objectives of the National Planning Policy Framework.
16. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR