



Appeal Decision

Site Visit made on 7 October 2020

by Mr Martin Allen B.Sc (Hons), M.Sc, M.R.T.P.I

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/P5870/D/20/3254132

School House, Woodmansterne Lane, Wallington, SM6 0SU

- 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 Steve Frieze against the decision of London Borough of Sutton.
 - The application Ref DM2020/00162, dated 3 February 2020, was refused by notice dated 7 April 2020.
 - The development proposed is a single storey side extension to form garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether or not the proposal is inappropriate development in the Green Belt,
 - ii) The effect of the proposal on the openness of the Green Belt
 - iii) The effect on the character and appearance of the area, and
 - iv) If the proposal is inappropriate development whether the harm by reason of inappropriateness, and 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 or not the proposal is inappropriate development in the Green Belt

3. The appeal site is located within the Green Belt. The National Planning Policy Framework (the Framework), at para 145, indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The extension of a building provided that it does not result in disproportionate additions over and above the size of the original building, is listed as one of the exceptions.
4. The dwelling has previously been extended. Using the figures provided by the Council, the original property had a volume of approximately 388 cubic metres (m³). The volume of the previous extension together that which is now proposed would be 316 m³. This would result in a volume increase of 81%. In my view, this increase cannot reasonably be considered to result in anything but a disproportionate addition over and above the size of the original building.

5. The appellant has also sought to justify the proposal with reference to the exception which refers to the provision of appropriate facilities for outdoor sport and outdoor recreation. This is on the basis that the proposed garage is to be used for the collection and storage of classic sports cars. However, this exception is clear that this must be in connection with the existing use of land or a change of use. The use of the site is not for outdoor sport or recreation purposes, as it comprises a residential use as a dwelling, and no change of use would occur. As such, the proposal would also fail to comply with this exception.
6. Consequently, in not complying with the exceptions as outlined by para 145 of the Framework, the scheme would comprise inappropriate development in the Green Belt, which para 143 states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Therefore, the scheme would conflict with Policy 24 of the Sutton Local Plan (2018) (the Local Plan), which seeks to ensure that extensions to buildings in the Green Belt do not exceed 30% above that of the original building. The scheme would also conflict with the provisions of the Framework.
7. That the site is already developed by accommodating a dwelling, that the proposal would be within the curtilage of that dwelling and that the use would be ancillary to the dwelling are not matters which dissuade me from finding that the proposal would be inappropriate development, as I have set out above.

The effect of the proposal on the openness of the Green Belt

8. The Framework, at para 133, indicates that openness and permanence are the essential characteristics of the Green Belt. The scheme would result in the addition of a side extension to an existing property. It would result in an increased quantum of built development at the site, which would spatially and visually fill a gap between the existing dwelling and the boundary of the site. Consequently, the scheme would not preserve, and there would be a small loss of, the openness of the Green Belt.

Character and appearance

9. The proposed garage would be attached to an existing single storey element of the host dwelling. Whilst it would itself also be single storey, it would have an eaves height above that single storey element to which it would be attached, as well as being taller at its highest point. Consequently, there would be little subservience to the addition. It would also have a width greater than the single storey element with which it would be most closely related. As a result, it would read as an unsympathetic and jarring addition to the property. I note that the appellant refers to the property being well screened by tall trees, hedging and other boundary treatments, however there would be clear views of the proposal from the street to the front of the site. The boundary screening would therefore not ameliorate the visual impact of the development from this public vantage point. Thus, the proposal would be harmful to the character and appearance of the area in conflict with policy 28 of the Local Plan, insofar as it seeks to ensure that development is of a suitable scale, massing and height. There would also be conflict with the guidance of Sutton's Urban Design Guide (2008).

Other considerations

10. I acknowledge that the proposed addition would result in social benefits to the occupiers of the property, through the provision of additional space, albeit that it is proposed for personal storage reasons. I accord limited weight to this.

Other Matters

11. I note that examples of developments at nearby properties have been cited by the appellant. However, whilst only brief details have been provided, I am able to ascertain that most of the schemes cited are not directly comparable to the scheme before me. They variously refer to a determination as to whether a garage would be permitted development, an amendment to a previously granted scheme, the replacement of a dwelling with flats and a new dwelling. In respect of the example of a detached garage, insufficient information has been submitted to allow me to draw any useful comparison. In any event, I have judged the appeal scheme on its merits and found clear conflict with both local and national policy in respect of the scheme being inappropriate development in the Green Belt.
12. The appellant asserts that the term 'inappropriate development' is an abstract term, that can mean different things to different people. However, the Framework provides a clear explanation of what development is considered to be inappropriate and it is on this basis that I have determined the appeal.
13. It has been contended that the principle of enlarging a dwelling at this location is acceptable. However, in this case the principle of development is inextricably linked to whether or not the scheme comprises inappropriate development in the Green Belt. As I have found above that it does, the principle of the development is not acceptable.
14. Reference is made to the use of a planning condition to restrict the use of the garage. However, this would not overcome the harm I have found in respect of the proposal comprising inappropriate development. There are also various references to excerpts of the Framework that it is contended provide support for the development. Whilst this is noted, these extracts are insufficient to outweigh the harm to the Green Belt.

Conclusion

15. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a small loss of openness. There would also be harm to the character and appearance of the area. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policy 24 of the Sutton Local Plan (2018), as well as policy 7.16 of the London Plan and the guidance of the Framework.
16. For the reasons given above, I conclude that the appeal should be dismissed.

Mr Martin Allen

INSPECTOR