



Appeal Decision

Site Visit made on 20 October 2020

by Martin Small BA (Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2020

Appeal Ref: APP/M3645/D/20/3255276

Woodside Cottage, Copthorne Bank, Copthorne, RH10 3JD

- 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 Shannon Weight of SWAD against the decision of Tandridge District Council.
 - The application Ref TA/2020/745, dated 17 April 2020, was refused by notice dated 15 June 2020.
 - The development proposed is demolition of an existing single storey, flat roof rear extension and replacement with a new single storey, flat roof rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing single storey, flat roof rear extension and replacement with a new single storey, flat roof rear extension at Woodside Cottage, Copthorne Bank, Copthorne, RH10 3JD in accordance with the terms of the application, Ref TA/2020/745, dated 17 April 2020, subject to the following 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 approved drawings: Location Plan, 001 Rev PLv3, 002 Rev PLv3, 003 Rev PLv3 and 004 Rev PLv3.
 - 3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

Main Issue

2. The main issue is whether the proposal would be inappropriate development within the Green Belt.

Reasons

3. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies (2014) (the Local Plan) states that inappropriate development is, by definition, harmful to the Green Belt and will normally be refused. Proposals involving inappropriate development will only be permitted where very special circumstances exist. This approach reflects paragraph 143 of the National Planning Policy Framework (the Framework).

4. Policy DP13 of the Local Plan sets out the Council's approach to the assessment of buildings in the Green Belt. This approach is consistent with paragraph 145 of the Framework which states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a list of specific exceptions.
5. Section E of Policy DP13 sets out that the extension and alteration of buildings within the Green Belt (outside the Defined Villages) is one of the exceptions to the general presumption against new buildings in the Green Belt. This is consistent with the exception listed in paragraph 145 c) of the Framework which sets out that the extension or alteration of a building is acceptable provided that it does not result in disproportionate additions over and above the size of the original building. This requirement is reflected in Policy DP13.
6. Neither Policy DP13 nor the Framework set out a threshold beyond which an extension should be deemed to be disproportionate. The supporting text to the policy explains that the Council will judge each proposal on its individual merits, taking into account factors such as the size of the original building; the bulk, height, mass and prominence of the extension; and the impact of the proposal on the openness of the Green Belt.
7. Policy DP13 sets out that, for residential dwellings, 'original building' will be as it existed on 31 December 1968, or if constructed after that date, as it was built originally. The dwelling predates 1968 and the Council calculates the volume of the 'original building' on 31 December 1968 to be approximately 479 m³ whilst the appellant contends that it was slightly larger, at approximately 484 m³. This is not a material difference.
8. Since 1968, the dwelling has been extended with a single-storey rear extension to the original kitchen extension, a single-storey side garage extension and a subsequent first-floor extension over the garage. The Council calculates that with these extensions, the proposal, allowing for the volume to be lost through the demolition of the existing rear extensions, would represent an increase in volume over and above that of the original dwelling of approximately 51.3%. However, the appellant has provided detailed calculations that demonstrate that the increase in volume would be approximately 44.6%. Whichever is the most accurate, both figures represent a significant increase in the volume of the original dwelling.
9. The proportion of the additions over and above the size of the original building is the primary consideration. Nevertheless, whether or not the proposed extension would result in a disproportionate addition should, taking the Council's approach, also be informed by an assessment of the visual effect and impact on openness of the proposal.
10. The proposed extension would be constructed entirely to the rear of the host dwelling and would not project beyond the side wall of the existing dwelling. It would therefore not be visible from the highway. The extension would potentially be visible from Nyahlands Farm to the north of the appeal site but this view would be limited and, being single-storey, the extension would not be prominent. The proposal would not result in any increase in prominence of the existing side extensions to the host property.
11. Openness has a spatial as well as a visual aspect. The proposal would result in a limited loss of openness. However, a degree of loss of openness is inherent

in the extension of buildings allowed for, in principle, by Section E of Policy DP13 of the Local Plan and paragraph 145 c) of the Framework. In this case, given the size and form of the proposed extension, this loss would not result in the extension being disproportionate, even in combination with the previous extensions to the host property.

12. Consequently, I find that, even if the increase in volume were to be as high as contended by the Council, the proposal would not result in disproportionate additions over and above the size of the original building. I therefore conclude that the proposal would not be inappropriate development and would not conflict with local and national policy to protect the Green Belt.

Conditions

13. In addition to the standard time limit for commencement, the Council has suggested conditions requiring compliance with the approved drawings, requiring materials to match those of the existing dwelling and removing permitted development rights to prevent the further enlargement of the dwelling.
14. I consider that conditions regarding drawings and materials are necessary for, respectively, the avoidance of doubt and in the interests of the character and appearance of the host property and area. However, I have not imposed a condition removing permitted development rights as paragraph 53 of the Framework sets out that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.
15. The location of the appeal site within the Green Belt is not itself clear justification; there is no indication in the Framework that permitted development rights should be restricted when granting permission for developments within Green Belts. Neither do the interests of the character of the area and amenities of nearby properties represent clear justification as the appeal property is secluded and detached, such that any further extension allowed as permitted development would not adversely affect character or amenities. Such a condition is therefore neither necessary nor reasonable and would therefore fail the tests of paragraph 55 of the Framework.

Conclusion

16. Given my finding in respect of inappropriateness, there is no need for me to consider whether any harm would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
17. The proposal accords with the development plan as a whole and, for that reason, the appeal is allowed.

Martin Small

INSPECTOR