



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/20/3251404

Cromwell Hall Farm Cottages, Felcourt Road, Felcourt RH19 2JU

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 Saif Bharmal against the decision of Tandridge District Council.
 - The application Ref TA/2019/2172, dated 16 December 2019, was refused by notice dated 31 January 2020.
 - The development proposed is a double height conservatory style side extension to Granny Annexe Building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey side extension to granny annexe at Cromwell Hall Farm Cottages, Felcourt Road, Felcourt, RH19 2JU in accordance with the terms of the application, Ref TA/2019/2172, dated 16 December 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved drawings: Location Plan, GM7 01 and GM7 02B.
 - 2) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. Notwithstanding the description of the development on the application form, as set out in the banner heading above, the development has already commenced. It was therefore described as a retrospective application on the Council's decision notice and the appeal form. I have taken this into account in reaching my decision and have used the revised description, omitting '(Retrospective)', in my decision as more concisely describing the proposal. For the avoidance of doubt, my decision is based on the drawings on which the Council based its decision, as there appears to be an inconsistency between the drawings and what has been constructed to date.
3. From the evidence before me, the granny annexe was permitted in 2016 as a replacement for a previously existing building. At the time of my site visit it was substantially complete. There is no evidence before me that the Council considered the annexe building to be inappropriate development when granting permission for its erection and I have determined the appeal on the basis that it is not inappropriate.

Main Issues

4. The main issues are:

- i) whether the proposal would be inappropriate development within the Green Belt; and
- ii) the effect of the proposal on the character and appearance of the site and area.

Reasons

Inappropriate development

- 5. 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). 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.
- 6. Although not cited in the reasons for refusal, Policy DP14 of the Local Plan is referenced in the Planning Officer's report. This policy explicitly deals with ancillary domestic buildings within the Green Belt. This is not a form of development that the Framework supports, but the policy sets out four specific criteria which such proposals must meet to be acceptable.
- 7. 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.
- 8. 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.
- 9. The existing annexe measures approximately 13.5 m long, 5.2 m wide at its southern end and 6.0 m high to the ridge. There is no evidence that the annexe is any larger than the building it replaced and the Planning Officer's report confirms that it has not been subsequently extended other than by the partially-constructed extension before me.
- 10. The submitted drawings show the proposed extension, measured externally, as being approximately 3.6 m long, 5.2 m wide and 6.0 m to the top of the roof. It would therefore be no wider or higher than the existing annexe. The proposal would therefore result in an increase in volume of the annexe by

approximately 27%. This increase would not be 'mathematically' disproportionate.

11. Openness has both spatial and visual aspects. The proposed extension 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 and paragraph 145 c) of the Framework. In this case, given the size and form of the extension, this loss would not result in the extension being disproportionate. Whilst the extension would be visible from the access drive it would be hidden from Felcourt Road by a line of trees along the road. It would not be prominent from either the public or the private realm.
12. The criteria of Policy DP14 relevant to the proposal before me are that the proposal must not be dominant or excessive in size having regard to the size of dwelling it is to serve; not detract from the rural character or appearance of the locality; and not be used for any purpose which is not incidental to the enjoyment of the dwelling. The scale of the resulting building would be less than that of the existing main dwelling. As such, it would not be dominant or excessive in size with regard to the size of the main dwelling.
13. The appeal site is located in the countryside between East Grinstead and Felcourt, accessed by a long drive off Felcourt Road. The site comprises a detached bungalow, garage, another single-storey building and the 2-storey annexe. Another bungalow and detached garage are sited to the south of the site but the space between the buildings, the lack of any boundary walls or fences, and the open fields to the north and east of the site give it and the area a spacious character. A small group of trees to the south-west of the site are an attractive feature.
14. The proposed extension occupies a gap between the existing building and the group of trees; however, the gap makes a very limited contribution to the spaciousness of the site and the existing trees in the group and along Felcourt Road would be retained. The extension therefore would not detract from the rural character or appearance of the site or locality.
15. The drawing of the existing layout shows facilities for independent use within the annexe. I am not persuaded that the provision of the proposed extension would increase the independence of the annexe from the main dwelling. Furthermore, the use of the annexe is restricted to that ancillary to the main dwelling, which would remain the case if the extension was constructed.
16. I therefore conclude that the development would not be inappropriate development and would not conflict with local and national policy to protect the Green Belt.

Character and appearance

17. I have found that the proposal would not harm the rural character or appearance of the site or locality. The extension would respect the form of the existing annexe. Whilst the fenestration shown on the submitted plans would differ from that in the remainder of the building, it would not be unacceptably harmful to the character or appearance of the building. Indeed, the introduction of the large glazed elements shown would be an interesting contrast to the existing plain front and rear elevations.

18. I therefore conclude that the development would not be harmful to the character or appearance of the site or the area. Accordingly, it complies with Policies CSP 18 and CSP 21 of the Tandridge District Core Strategy and Policy DP7 of the Local Plan. These policies require proposals to reflect and respect character and local context and to conserve and enhance landscape character.

Conditions

19. I have not imposed the standard time limit for commencement as the development has already been commenced. The Council has suggested conditions requiring compliance with the approved plans and requiring materials to match those of the existing building. I consider these to be necessary for the avoidance of doubt and in the interests of the character and appearance of the area.
20. The appellant has expressed a willingness for the imposition of a landscaping condition. However, given my conclusion on character and appearance above, I do not consider this to be necessary to make the development acceptable and it would therefore fail the tests of paragraph 55 of the Framework.

Conclusion

21. Given my findings in respect of inappropriateness and character and appearance, 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.
22. The proposed extension accords with the development plan as a whole and, for that reason, the appeal is allowed.

Martin Small

INSPECTOR