
Appeal Decision

Site visit made on 27 October 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMi

an Inspector appointed by the Secretary of State

Decision date: 11 November 2020

Appeal Ref: APP/A3655/D/20/3258577

Kingsdown, Sutton Green Road, Sutton Green, Guildford GU4 7QD

- 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 Katie Hughes against the decision of Woking Borough Council.
 - The application Ref Plan/2020/0302, dated 30 March 2020, was refused by notice dated 9 June 2020.
 - The development proposed is the erection of single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have determined the appeal on the plans provided. For clarity and conciseness, the description of the proposed development above is taken from the Council's decision notice and the appellant's appeal form.
3. The appellant has cited various legal judgements¹ in their evidence and I have had regard to these in my reasoning below.

Main Issue

4. The main issues are;
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework, 2019 (the Framework)
 - The effect of the proposal on the openness of the Green Belt; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way 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 it.

¹ Samuel Smith Old Brewery (Tadcaster) Limited v North Yorkshire CC [2018] EWCA Civ 489; Lindblom LJ held [37]; Euro Garages Limited v SSCLG [2018] EWHC 1753 (Admin); R (Tate) v. Northumberland County Council [2018] EWCA Civ 1519; R (Lee Valley Regional Park Authority) v Epping Forest DC [2016] EWCA Civ 404, Treacy, Underhill, Lindblom LJ; Hook [2020] EWCA Civ 486, Lindblom, Peter Jackson and Asplin LJ

Reasons

5. The appeal site is located within the Metropolitan Green Belt. Policy CS6 of the Woking Core Strategy, 2012 (WCS) states that except in very special circumstances approval will only be given in the Metropolitan Green Belt for certain developments which are listed as policy exceptions. Policy DM13 of the Development Management Policies Development Plan Document, 2016 (DPD) identifies such exceptions. One exception which is pertinent to the appeal is where the proposed development would constitute an extension or alteration of an existing dwelling.
6. The Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore and similarly to the WCS, it states that a local planning authority should regard the construction of new buildings in Green Belt as inappropriate, albeit with a set of exceptions. One such exception is the extension or alteration of an existing building, provided that it does not result in disproportionate additions over and above the size of the original building.
7. As such, it is clear that Policies CS6 of the WCS and DM13 of the DPD are consistent with national Green Belt policy.
8. Although a guide, the Council generally consider that extensions resulting in an increase in volume of between 20-40% on the original building are typically considered acceptable, albeit each proposal is considered on its own merits.
9. The proposal would extend the floor space of the building to approximately 180m², compared with an original floor space of 92m², around a 95% increase. It is clearly stated in the Framework that such development should not result in a disproportionate addition, over and above the size of the original building. In my view such an increase would be disproportionate given the increased footprint of the resultant dwelling, which has already been previously extended by over 50% when compared to the original building.
10. The appellant refers to the proposal constituting 'infilling', listed as an exception in Paragraph 145 of the Framework. However, I am of the view that the proposal before me is clearly an extension, as described in the evidence before me, and I have therefore considered the appeal as such.
11. Therefore, the proposed development would not represent a limited extension or alteration of the original dwelling. Furthermore, the proposal would be contrary to the Policies CS6 of the WCS and DM13 of the DPD. The proposal would therefore also be contrary to the Framework.

Openness

12. The Framework states that one of the essential characteristics of Green Belt is openness. Openness in this regard can have a spatial as well as visual impact.
13. Spatially the proposed development would materially increase the size of the building overall, greatly extending its footprint to the rear. Although the extension is single storey, and a large area of garden would remain, it would harmfully create a building of greater bulk overall. Notwithstanding the view of the appellant, this is clearly explained by the Council in the Officer's report.

14. Visually, although prominent and of a contrasting appearance to the existing building, the proposed development would be well screened to the sides and rear of the appeal property from the recreation ground, it would also not be visible from the front of the property or highway.
15. The effect upon openness in the context of the wider Green Belt would therefore be small. However small I consider the proposal would not preserve the openness of the Green Belt spatially and would have a greater degree of impact on the openness of the Green Belt than the building in its current form. Therefore, I consider the reduction in openness would constitute moderate harm.
16. As such the proposal would conflict with Policy DM13 of the DPD and the Framework in this regard.

Other considerations

17. The Framework states that substantial weight should be given to any harm to the Green Belt and, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
18. The appellant refers to other development nearby, considered under a previous development plan, including rear extensions, which I was able to view from the rear of the properties at the time of my visit. I accept that the proposal would appear in the same context as such extensions. However, an absence of harm to the character and appearance of the area, or its heritage, is no more than a neutral consideration in the appeal. Likewise, that there would be no harm to the living conditions of neighbours, or subject to conditions, trees or flood risk is of neutral weight.
19. The appellant contends that it would be possible to build a larger extension using the permitted development rights that apply to dwellings. I also understand that the appellant has submitted a proposal to the Council for a smaller development than that proposed, to the rear of the property. Little detail of this proposed scheme has been provided and it is understood to be awaiting a decision regarding a Certificate of Proposed Lawful Development. Therefore, although understood to be smaller in size I cannot reliably determine that it would be any more or less harmful than the proposal before me.
20. I acknowledge that the appellant's family wish to remain in the area and live at the property for years to come. However, I have little information to explain why such a large extension is needed to enable this. I consider that the construction of the proposal would only likely provide a short term minor economic benefit, as such this of very minor weight.
21. The Framework attaches great importance to Green Belts and states that substantial weight should be given to any harm to the Green Belt. It is considered the development would cause harm to the Green Belt by way of inappropriateness and to openness. Balanced against that are the other considerations identified above. I find that 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.

22. As such the proposal does not accord with Policies CS6 of the WCS and DM13 of the DPD. Similarly, the proposal would not accord with Framework.

Other matters

23. The appellant contends that Green Belt Policies are hypocritical when considered against other planning policy and legislation. However, I must determine the appeal against extant planning policy, on the evidence before me and on its own merits.

Conclusion

24. For the reasons above the appeal is dismissed.

M Scriven

INSPECTOR