



Appeal Decision

Site visit made on 10 November 2020

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 November 2020.

Appeal Ref: APP/M3645/D/20/3249170

106 Stanstead Road, Caterham CR3 6AE

- 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 & Mrs M Fuller against the decision of Tandridge District Council.
 - The application Ref TA/2019/1980, dated 6 November 2019, was refused by notice dated 6 January 2020.
 - The development was originally described as the erection of a single storey first floor extension to the rear elevation incorporating a balcony to the west elevation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development was described on the application form as set out in the heading above. This was amended by the Council to "*First floor rear extension and balcony to side*", which was also the description used by the appellants on their appeal form. By removing the words "*single storey*", this makes it clearer what is proposed, and I have therefore used this amended description as the basis for my decision.

Main issues

3. The main issues in this case are:-
 - whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the development on the openness of the Green Belt; and
 - if the development is inappropriate, 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

Inappropriateness

4. The appeal site lies within the Green Belt, where government policy in the National Planning Policy Framework (the Framework) says that inappropriate

development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies (2014) (LP) repeats this message.

5. Paragraph 145 of the Framework indicates that the extension or alteration of a building need not be inappropriate, provided that it does not result in disproportionate additions over and above the size of the original building. Policy DP13 of the LP repeats this and clarifies what is meant in Tandridge by "*original*" for residential dwellings, being as it existed at 31 December 1968, or if constructed after the relevant date, as it was built originally.
6. The appeal property was built before December 1968. The Council's Officer Report lists two permissions that have been granted and implemented since then and calculates that, when the volume of the proposed extension (which it calculates to be 107.3 cubic metres) is added to those previously permitted extensions, it would result in a 549 square metre addition, amounting to an increase of 109% to the original building (as defined in the LP).
7. The appellants dispute the Council's figures, and have calculated that the proposed extension would have a gross volume of 69.6 cubic metres. However, the appellants have not added this figure to the volume of the other extensions constructed at the appeal site since December 1968, as required by the Framework and Policy DP13, and have not contested the Council's measurement of these. If I were to use the appellants' figure for the proposed scheme, and substitute it for the Council's, it would reduce the overall resulting addition to the original building by 37.7 cubic metres, to 511.3 cubic metres.
8. Using this figure of an increase over the original building of 511.3 square metres, the proposed extension would still result in an approximate doubling of the volume of the dwelling since the end of 1968. This would undoubtedly represent a disproportionate addition, over and above the size of the original building. I therefore conclude that the proposal would constitute inappropriate development in the Green Belt, contrary to Policies DP10 and DP13 of the LP and to government advice in the Framework.

Openness of the Green Belt

9. The proposed extension would extend the first floor of the building into an area that is currently occupied only by a single storey extension. Whilst this would not be readily visible from any public viewpoint, this is not the test in relation to development within the Green Belt. The proposed extension would in my view have a small adverse effect on the openness of the Green Belt. Paragraph 143 of the Framework says that inappropriate development is, by definition, harmful to the Green Belt, but I consider that the development would also result in limited damage to openness, the most important attribute of the Green Belt.

Other considerations

10. A Certificate of Lawfulness of proposed development was approved by the Council in 2019 (Ref TA/2019/300), relating to a two storey extension to the original part of the house. The appellants have calculated that this extension would be larger in volume than the appeal proposal. They argue that, should this be constructed instead of the appeal scheme, the volume that would be added to the house, and the potential harm to the Green Belt, would be

greater. They consider that considerable weight should be afforded to the existence of this approval, as a 'fallback' position.

11. In order to decide what weight I should give to this approval, I have to consider whether there is a real prospect of it being implemented. The appellants describe the 'fallback' scheme in their grounds of appeal as being inferior in many ways to the appeal proposal. This does introduce some doubt as to whether they would in reality construct this extension, should I dismiss the appeal.
12. Furthermore, were I to allow the appeal proposal to go ahead, there would be nothing to prevent the appellants from exercising their permitted development rights, and constructing the 'fallback' scheme, before implementing the appeal proposal. A condition removing permitted development rights, which might appear to be the solution, would only take effect once the permission was implemented. Consequently, this outcome could only be prevented by means of a legal agreement forgoing the relevant permitted development rights immediately upon issue of the permission. I do not have such an agreement before me. In its absence, there would be nothing to prevent the appeal scheme and the 'fallback' scheme both being constructed on site, leading to greater harm to the openness of the Green Belt. I cannot therefore give the existence of the Certificate of Lawfulness approval any more than very limited weight.
13. I have considerable sympathy for the appellants, having seen a housing estate constructed on adjoining land to the north, just beyond the Green Belt boundary, where very different planning policies apply. In addition, a replacement dwelling has been built to the south, which is covered by a different part of Policy DP13, dealing with replacement buildings. I am also aware that the previous extensions that count towards additions to the "original" building were all constructed pre-1974, which must make the 1968 cut-off date in Policy DP13 seem arbitrary. However, I have to deal with the proposal in line with national and local policy in relation to extensions and alterations to buildings within the Green Belt, and with the definition of "original" set out in the adopted development plan.
14. The appellants say that the constructing the proposed extension would allow them to do more work from home, thereby enabling less trips out to be taken and helping sustainability. They also point out that it would remove a large area of existing flat roof, thereby improving the character and appearance of the house, as well as assisting with maintenance going forward.
15. I do not consider that the points put forward by the appellants amount to benefits of the proposal to clearly outweigh the harm to the Green Belt by reason of inappropriateness and limited harm to openness that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be dismissed.

Michael J Muston

INSPECTOR