
Appeal Decision

Site visit made on 27 July 2020

by Robin Buchanan BA(Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/A3655/D/20/3252419

Dovers, Barrs Lane, Knaphill, Surrey GU21 2JN

- 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 Robin Barrett against the decision of Woking Borough Council.
 - The application Ref PLAN/2019/1266, dated 28 December 2019, was refused by notice dated 20 April 2020.
 - The development proposed is the erection of a first floor side extension and two storey side extension following demolition of existing garages.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is in the Green Belt and the main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and relevant Development Plan policies;
 - Its effect on the openness of the Green Belt; and
 - If it is inappropriate development, whether the harm by reason 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.

Reasons

Whether Inappropriate Development in the Green Belt

3. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, the construction of new buildings should be regarded as inappropriate development in the Green Belt subject to certain exceptions, including the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the 'original building'.
4. The Council has calculated building volume, floor area and footprint for the original dwelling on the appeal site, the existing dwelling and the dwelling that would result from the appeal proposal (the appeal dwelling). It has also

calculated the respective percentage change in these three measures between the original dwelling and the appeal dwelling, and has compared (in percentage increase terms) the original dwelling to a dwelling that would result if a previous planning permission¹ were to be implemented (the permitted dwelling).

5. I do not have any other details of the permitted dwelling in evidence before me, including approved plans. However, I note that the appellant does not dispute the Council's calculations and, on the evidence that is before me, I have no reason to come to a different view in this regard. I also note that in the supporting text to Policy DM13 of the Woking Development Management Policies Development Plan Document, October 2016 (the DPD), the Council's expectation is that to be acceptable (ie not disproportionate) development proposals 'will be within the range 20-40% above the original volume of the building'.
6. In this regard, the size of the permitted dwelling would result in an increase of 57.1% in building volume compared to the size of the original dwelling. However, the appeal dwelling would be a 74.6% increase compared to the original dwelling. In relation to the size of the permitted dwelling, the appeal dwelling would therefore already be a significant increase; but in relation to the original dwelling it would be approaching twice as much building volume than the Council's upper figure and, consequently, it would be a substantial increase in size.
7. The appellant suggests that the permitted dwelling, in combination with development that is alleged to be lawful by virtue of a certificate of lawfulness of proposed use or development,² would result in a dwelling that was either similar or smaller in volume (and footprint) to the appeal dwelling. I note that the Council's officer report documents two applications for certificates of lawful development for side and rear extensions,³ but at the time of the report these were 'not yet determined'. The appellant has provided diagrams which purport to show the effect of this combined development, but I do not have the details of either lawful use application or any decisions by the Council before me in evidence in this current appeal, including any approved plans. I am therefore unable to make any reasonable comparison or reach any finding as to whether a 'fall-back' exists in this regard, as the appellant otherwise contends.
8. Accordingly, the appeal proposal would result in additions to the original dwelling (building) that would be disproportionate in size. No other potential exceptions, as cited in Framework paragraphs 145 and 146, have been put to me to suggest that the appeal proposal might, for other reasons, not be inappropriate development in the Green Belt. Consequently, the proposed development would be inappropriate development in the Green Belt and it would not accord with Policy CS6 of the Woking Core strategy, October 2012 (the CS) or DPD Policy DM13. These policies include strict controls over inappropriate development in the Green Belt. It would also conflict with Framework paragraphs 143 and 145(c).

¹ Council's reference PLAN/2019/0767.

² Appellant's reference 2019_1268.

³ Council's references PLAN/2019/1267 and PLAN/2019/1268.

Openness of the Green Belt

9. The Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. In addition, one of the essential characteristics of Green Belts is their openness.
10. In principle, I accept that the nature of the proposed development and use is compatible with its location in the Green Belt. However, the appeal site is on gently sloping land. I saw at my site visit that the reasonably limited extent of the existing dwelling, particularly built form at first floor level, and its separation from other nearby dwellings is therefore noticeable in public views from the upper and lower sides of Barrs Lane, as it passes the appeal site at the front, and also as it returns to pass the appeal site further to the rear. Though the appeal proposal is modest in size relative to the extent of the wider Green Belt, it would nonetheless result in significant enlargement of the scale and massing of the existing dwelling, especially at first floor level, and thereby reduce spatial and visual openness of the Green Belt, albeit to a very small extent.
11. Accordingly, the appeal proposal would not preserve the openness of the Green Belt. It would not accord with CS Policy CS6 or DPD Policy DM13. It would also conflict with Framework paragraph 133.

Other Considerations

12. The Framework states that 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.
13. The appeal proposal would result in a slightly smaller building footprint than the existing dwelling and the new roof would allow more solar panels to be installed to reduce electricity use by other means. Furthermore, some of the development would be within the main (largest) part of the garden and as a result further away from some nearby dwellings. Nonetheless, considering the reasonably limited nature of the proposed development, these would be limited benefits of the appeal proposal.
14. The Council did not object to the appeal proposal for its effect on the living conditions of occupiers of nearby dwellings. While I appreciate that some interested parties objected for reasons of alleged overlooking and loss of privacy, in light of my site visit I have no reason to disagree with the Council's conclusions on these matters, as set out in the officer report. However, the absence of harm in this regard is a neutral factor in my decision. Thus, taken together, the other considerations in this case attract little weight.

Other Matters

15. Some interested parties refer to the effect of the appeal proposal on the setting of the Lower Knaphill Conservation Area (the CA). In this regard, I note that the Council did not object to the proposed development. At the junction of Barrs Lane and Littlewick Road I saw that the most significant elements in this part of the CA are the older traditional buildings, including some with a rural appearance, brick walls, trees and grassed open spaces.
16. The appeal site and the existing dwelling is significantly more distant from this junction and, as a result, recede into the rising land behind and the adjacent

landscape setting of trees in and around this part of Barrs Lane. While the proposed development would be visible, it would nonetheless therefore be seen only to a limited extent and as a result would not form an important or appreciable part of the vista from the junction. Furthermore, the design of the appeal proposal would not be incompatible with the overall appearance and form of the existing dwelling. Accordingly, the appeal proposal would not cause harm to the significance of the CA or its setting at this point and would therefore preserve the overall character and appearance of the CA. This is also a neutral factor.

Green Belt Balance

17. The proposed development would be inappropriate development and would lead to a very small loss of openness to the Green Belt. As the other considerations in this case attract little weight, they would be insufficient to clearly outweigh the harm to the Green Belt due to inappropriateness and loss of openness, so the very special circumstances necessary to justify the proposed development do not exist. The proposed development would not accord with CS Policy CS6 or DPD Policy DM13. It would also conflict with Framework paragraph 144.

Thames Basin Heaths Special Protection Area (the SPA)

18. The Council's officer report refers to a 'Thames Basin Heaths SPA Zone B (400m-5km)' but contains no further explanation of this matter, and there is no relevant reason for refusal in the Council's decision. The evidence before me in this appeal does not therefore indicate whether the appeal proposal needs to mitigate any impact of the proposed development to avoid adverse effect on the integrity of the SPA. I am therefore unable to reach a view in this matter. However, having regard to the main issues above, I intend to dismiss this appeal and so I do not need to consider this matter any further.

Conclusion

19. For the reasons given, the appeal does not succeed.

Robin Buchanan

INSPECTOR