

Appeal Decision

Site visit made on 27 October 2020

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01/12/2020

Appeal Ref: APP/M3645/D/20/3253710

La Boheme, Hare Lane, Blindley Heath, RH7 6JB

- 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 Alec Lincoln against the decision of Tandridge District Council.
 - The application Ref TA/2020/388, dated 15 February 2020, was refused by notice dated 4 June 2020.
 - The development proposed is described as a '*New kitchen extension to the rear of garage conversion*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - 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

3. The appeal relates to a detached, chalet-style bungalow set amongst a number of other dwellings peppered along each side of Hare Lane, a semi-rural road located within the Green Belt. The existing dwelling has an approximate 'L-shaped' footprint. The proposal is to square off the building with a single-storey, flat roof extension to the rear.

Whether the proposal would be inappropriate development in the Green Belt

4. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states, amongst other things, that the extension of an existing building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.
5. Policy DP10: *Green Belt* of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (TLP Part 2), adopted in July 2014, confirms that within the Green Belt, planning permission for any inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused. TLP Part 2 Policy DP13: *Buildings in the Green Belt* confirms that the Council will regard the construction of new buildings as inappropriate in the Green Belt with the exception of, amongst other things, the extension or alteration of buildings within the Green Belt (outside the Defined Villages), where the proposal does not result in disproportionate additions over and above the size of the original building. This approach is consistent with the Framework. For residential dwellings, Policy DP13 explicitly states that the 'original building' will be taken as it existed on 31 December 1968, or if constructed after that date, as it was originally built.
6. Neither the Framework nor the development plan defines exactly what would constitute a disproportionate addition to an original building although TLP Part 2 paragraph 13.3 states that in determining what constitutes a 'disproportionate addition' the Council will adopt a pragmatic approach in the context of a building extension or alteration. It goes on to state that each proposal will be judged 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 or alteration, and the impact of the proposal on the openness of the Green Belt. TLP Part 2 paragraph 13.4 states that as a general rule, the Council will use a calculation of external volume as the measure of whether a proposal is mathematically disproportionate rather than using an increase in floor area or footprint, but it stops short of expressing any specific numeric threshold.
7. The appellant has explained that the property was a self-build project started in 1968 and completed for occupation in 1970, described in his own words as a '*small chalet bungalow*'. The planning history to the property set out within the Council's officer's report shows that there has been a number of planning permissions granted over the years for its enlargement including a ground floor rear extension (Ref: 74/116), an attached garage (Ref: 75/665) later understood to have been converted into habitable living space, a lobby extension (Ref: 81/334), a first floor extension over the garage (Ref: 87/588), and the replacement of an existing flat roof with a new pitched roof, including the enlargement of an existing bedroom and provision of a balcony (Ref: 92/947). I saw during my visit a building of fairly substantial size that appeared to reflect the various planning permissions that have been granted, which incrementally have significantly changed the original dwelling.
8. According to the Council, the original dwelling had a volume of around 391m³. They argue that existing extensions have added a further approximate 421m³,

more than doubling its original volume with a percentage increase of around 107%. These figures have not been challenged by the appellant and demonstrate to me that the original dwelling has been substantially enlarged. The Council has calculated the volume of the proposed extension at around 90m³. The appellant argues the volume to be nearer 74m³ (4.5m x 5.5m x 3m). Regardless, when taking the previous additions into consideration, the appeal proposal would result in a very substantial uplift to the size of the original dwelling in terms of volume. Mathematically this would result in a disproportionate addition.

9. In addition, the extension would add to the spread of built form, further increasing the footprint of the original dwelling. Although it would not be prominent from any public vantage point, the extension would add to the tally of previous additions resulting overall in a building of considerably greater bulk and mass than the modest size of the original. The further incremental shift would result in a building disproportionately larger than the original. The proposal would therefore amount to inappropriate development in the Green Belt for the purpose of the Framework. I have considered the effect of the proposal upon openness below. My findings in that regard lead me to conclude that the proposal would also amount to a disproportionate addition having regard to TLP Part 2 Policy DP13. By definition this is harmful to the Green Belt and I attach substantial weight to this harm.

The effect of the proposal on the openness of the Green Belt

10. The Framework states that an essential characteristic of Green Belts is their openness and that a fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land within them permanently open.
11. The proposal would result in a larger building with encroachment beyond the footprint of the existing and into land that is currently open and free from development. I accept that the space is fairly well enclosed and out of sight from public view, and that as a consequence, the impact upon openness would be only very slight. Although the degree of this loss would be minimal, this must be regarded as some additional harm to add to the harm by reason of inappropriateness.

Other Matters

12. I have noted that La Boheme sits on a very large plot, due principally to its excessive depth. However, an assessment of size for the purpose of considering an extension to a building in the Green Belt requires a comparison to be made between the original building and the proposed resulting building, irrespective of the size of the property's curtilage, or the space around it.
13. I appreciate that the appellant has a need for additional space to accommodate the size of his family and I attribute some weight to these personal circumstances in favour of the appeal.

Conclusion

14. I have found the proposal to be inappropriate development for the reasons identified. This amounts to substantial weight against the proposal. In addition, I have found that it would prejudice the openness of the Green Belt,

to a degree. The weight I attribute to the appellant's personal circumstances is moderate but not sufficient to clearly outweigh the harms that I have identified. The very special circumstances necessary to justify the development therefore do not exist. Accordingly, the appeal is dismissed.

John D Allan

INSPECTOR