
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/20/3248382

7 Wembury Park, Newchapel, RH7 6HH

- 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 Robert Chart against the decision of Tandridge District Council.
 - The application Ref TA/2019/2048, dated 21 November 2019, was refused by notice dated 21 January 2020.
 - The development proposed is the erection of a first-floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first-floor side extension at 7 Wembury Park, Newchapel, RH7 6HH in accordance with the terms of the application, Ref TA/2019/2048, dated 21 November 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and Drg Nos 21340-101, 21340-102, 21340-103, 21340-104, 21340-105 A, 21340-106, 21340-201, 21340-202, 21340-203, 21340-204, 21340-401 and 21340-402.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is 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.

Reasons

3. The appeal relates to a detached dwelling located to one end of a private and gated residential development of around 19 dwellings, each of mixed character and appearance and set within the Green Belt. The proposal is to extend the

- property to one side at first floor level over an existing flat roof, single-storey side extension.
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 it is significant that 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 planning history for the dwelling indicates that, since 1968, planning permission has been granted twice for the house to be extended. In 1987 permission was given for a single-storey side extension and the provision of two new gable ends to the rear elevation at first floor (Ref 87/210). In 1999 permission was given for demolition of an existing rear extension and the erection of a single-storey rear extension and a single-storey side extension (Ref: 99/162). The Council's officer's report for the appeal proposal states that the planning history for the site indicates how the property was before 1968 and gives the volume of the 'original building' as 402.5m³. The report goes on to say that, as a result of the appeal proposal, the full volume increase from the original dwelling, including previous additions, would be 267.17m³, an increase of 66.4% above the size of the original dwelling.

8. The appellant disputes this calculation and argues that taking account of parts of the building that have previously been demolished, the sum total of additions since 1968 would result in an increase in volume of around 47.3%.
9. Neither parties' figures are clearly evidence based and as a consequence I am unable to confidently rely upon either. Nevertheless, regardless of which figure is accurate, even taking the appellant's percentage calculation, the proposal would represent a significant increase in the volume of the original dwelling. However, the Council's approach within the TLP Part 2 signifies that there are many different ways of assessing and measuring 'proportionality' in addition to a purely mathematical calculation. Any judgement therefore should also be informed by an analysis of the visual effects of the proposal.
10. The extension would project the form of the existing dwelling sideways at first floor level. It would tie in seamlessly with the original building, which itself is a fairly substantial detached dwelling. Whilst it would not be subservient in terms of height, the width of the addition would be less than half the width of the main two-storey form of the existing building such that overall the additional mass and bulk of the extension would not be excessive in relation to the original building. Neither would the development be prominent, given the position of the dwelling at the terminal end of the cul-de-sac at Wembury Park, and the extensive amount of dense and mature vegetation to the north of the site, which screens the building from views further afield. For this same reason, and given also the lack of any encroachment of new built form beyond the footprint of the existing, there would be only limited impact upon the openness of the Green Belt, which is a factor that the supporting text to Policy DP13 states will additionally be taken into account for the purpose of determining what will be considered to be a 'proportionate' or 'disproportionate' addition.
11. The existing rear extension is very modest, with very little depth. It is impossible for me to know which two gables on the rear elevation were part of the 1987 permission but all three add little to the visual bulk of the building, or significantly to volume. The existing side extension over which the appeal proposal would be built is appropriate in scale and form. When seen in the round, my overall impression, regardless of the actual percentage increase in volume, is that the sum total of extensions, including the appeal proposal, would be appropriately in scale with the original building and not disproportionate in size. For this reason, I find that the proposal would not amount to inappropriate development within the Green Belt. There would therefore be no conflict with TLP Part 2 Policies DP10 and DP13, or with the Framework in this regard.

Conditions

12. A condition specifying the relevant plans is necessary as this provides certainty. In the interests of maintaining the character and appearance of the area a condition is required to control the external materials that are proposed to be used.

Conclusion

13. For the reasons given, I find that the proposal would not be inappropriate development in the Green Belt. Accordingly, and in the absence of any other

conflict with the development plan, the appeal is allowed.

John D Allan

INSPECTOR