



Appeal Decision

Site visit made on 9 November 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2020

Appeal Ref: APP/Q3630/D/20/3251758

St Johns, Ruxbury Road, Chertsey KT16 9NJ

- 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 Joel West against the decision of Runnymede Borough Council.
 - The application Ref RU.20/0064, dated 11 January 2020, was refused by notice dated 12 March 2020.
 - The development proposed is hip to gable roof conversion, roof alterations including dormer window to north and roof windows.
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Decision

1. The appeal is allowed and planning permission is granted for hip to gable roof conversion, roof alterations including dormer window to north and roof windows at St Johns, Ruxbury Road, Chertsey KT16 9NJ in accordance with the terms of the application, Ref RU.20/0064, dated 11 January 2020, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: L(90)001 Rev A, L(90)003, L(20)002 Rev B and L(20)003 Rev B.
 - 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.

Procedural Matters

2. The decision notice cites Policy GB6 of the Runnymede Borough Local Plan Second Alteration April 2001 (RBLP). However, this policy has been superseded by Policy EE14 of the Runnymede 2030 Local Plan (RLP) which was adopted subsequent to the Council's decision. The parties have been able to comment on the altered policy context.
3. New permitted development rights¹ were introduced on 31 August 2020 in relation to the enlargement of a dwellinghouse by construction of additional storeys. These permitted development rights represent a potential fallback position and for this reason the parties were given the opportunity to comment on the implications for the appeal.

¹ Class AA, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015

Main Issues

4. The main issues are:

- a) whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
- b) the effect of the development on the openness of the Green Belt; and
- c) 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

Whether inappropriate development

- 5. The Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The extension of a building is not, however, inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. This aspect of national policy is mirrored in Policy EE14 of the newly adopted RLP.
- 6. The term 'original building' is defined in the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. St Johns dates from the 1950s and therefore, using the above definition, all extensions constructed after the initial build would count for purposes of establishing whether the proposal is disproportionate.
- 7. The appeal property was built as a diminutive bungalow with a modest hipped roof. The building was enlarged to the rear with a large single storey extension in the 1970s and this was augmented by a conservatory permitted in the late 1990s. More recently, an attached garage has been replaced with a side extension which projects forwards into the driveway.
- 8. The Council made its assessment against Supplementary Planning Guidance (SPG) published to accompany Policy GB6 of the RBLP. This guidance sought to limit increases in floor area to 30% of the size of the dwelling as it existed in May 1986, the date of Green Belt designation. The SPG is parasitic on a policy which no longer exists and it is inconsistent with both the RLP and Framework as regards the baseline date. As such, the SPG is out-of-date and I have afforded it limited weight.
- 9. The supporting text to RLP Policy EE14 indicates that supplementary advice will be developed to assist when considering the proportionality and cumulative effect of a proposed extension or alteration. This advice may or may not have been published but either way it is not before me. My determination of the appeal is therefore made against the wording of the RLP and Framework. This is not an objective assessment based on specific volumes or floorspace figures, but one requiring the exercise of planning judgement.
- 10. The proposal is to create a first floor of accommodation by converting the roof hips of the original dwelling to full gables and constructing a box dormer. The resulting building would be in keeping with the street scene; this is common ground. However, achieving proportionality is not simply a matter of securing

sympathetic design. Policy EE14 explains that various factors need to be taken into account, including any previous extensions or enlargements, existing and proposed floorspace, and changes in mass, bulk and height of buildings, including roof form changes.

11. Neither of the parties has undertaken a comprehensive analysis of previous and proposed floorspace additions relative to the original dwelling. However, the appellant does not appear to dispute the Council's assertion that the proposal would breach the 30% threshold within the SPG. In reality, the increase would be greater as the Council has only included extensions constructed after Green Belt designation in May 1986. If the rear extension were to be included in the calculation, as advocated by RLP Policy EE14 and the Framework, it is clear that the proposal would more than double the floorspace of the original dwelling.
12. In addition to enlarging the floorspace of the property, the proposal would materially increase the mass of the roof. The distinctive form of the original dwelling would be subsumed by a new, bulkier roof form. The design would not be unattractive; nonetheless, it would be disproportionate when taken in combination with other extensions already undertaken at the property. For this reason, I conclude that the proposal would constitute inappropriate development in the Green Belt.

Effect on openness

13. Openness is an essential characteristic of the Green Belt. In that the size and mass of the building would be increased by the alterations to its roof, the proposal would reduce it. However, taken in isolation, and bearing in mind the limited visibility from the street and the location of the appeal property within a ribbon of urban development along Ruxbury Road, the loss of openness would be minimal.

Other considerations

14. It is suggested that there is potential to pursue a hip to gable enlargement under permitted development rights. The appellant contends that a rear facing dormer would be possible under such an arrangement, although he would prefer a front facing dormer as per the appeal scheme, to minimise overlooking of neighbouring gardens. The officer report argues that the alternative options advanced by the appellant would not fall within the scope of permitted development as they fail to take account of previous increases in roof space.
15. Whether or not the Council is correct on this point is immaterial. New permitted development rights have been introduced to facilitate the enlargement of a dwellinghouse by construction of additional storeys. The Council argues that such provisions would not apply here but it has provided no firm evidence to substantiate this. The new Class AA rights would permit the appeal scheme, or something very similar, with equivalent volume and impact on Green Belt openness. Although this would require an application for prior approval, I have no reason to believe that such approval would be withheld, given the lack of neighbour objections to the appeal proposal and the Council's acceptance that the design would not harm the character or appearance of the area. This represents a material fallback position to which substantial weight can be attached.

Green Belt Balance and Conclusion

16. The proposal would constitute inappropriate development in the Green Belt and it would result in a minimal loss of openness. The Framework dictates that such harm should be given substantial weight. However, the proposal, or something very similar, would fall within the scope of permitted development. The fallback position is a genuine one and more than theoretical, and it is a consideration which clearly outweighs the totality of the harm to the Green Belt. Consequently, very special circumstances have been demonstrated and I conclude that the appeal should be allowed.

Robert Parker

INSPECTOR