

Appeal Decision

Site visit made on 23 November 2020

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020.

Appeal Ref: APP/M3645/D/20/3253088

Holly Cottage, Barnfield Road, Tatsfield TN16 2LG

- 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 Alistair Court, Mariners Farm Ltd, against the decision of Tandridge District Council.
 - The application, Ref. TA/2020/410, dated 27 February 2020 was refused by notice dated 28 April 2020.
 - The development proposed is the erection of a two storey rear extension, single storey side extension and a replacement front porch (revised scheme).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2019 ('the Framework') and any relevant development plan policies; (ii) the effect on the character and appearance of the host dwelling and its surroundings, and (iii) whether any 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 required to justify the proposal.

Reasons

Issue (i): Whether Inappropriate Development

3. Paragraph 145 of the Framework says that although a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt there are exceptions, including 'c) *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*'. The Council's development plan adopts a very similar approach in the form of Policies DP10 & DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014 ('the Local Plan').
 4. The Council's calculation of the proposed extensions amounting to a 61% increase in the volume of the dwelling (and therefore close to a two thirds increase in dwelling size) is in my view of a scale that might be reasonably regarded as being 'disproportionate', albeit not in itself determinative. Part of this increase would be in the form of modestly sized front and side extensions, but with the majority accounted for by the two storey addition to the rear.
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I acknowledge that the roof has been hipped in this amended scheme, but the side elevation on the submitted plans to my mind clearly indicates that the combination of scale and form (projecting 5.5m at 2-storey height from the rear wall of the existing building) would diminish any current perception of openness within the site curtilage.

5. For the appellant it is argued that in this rearward position the addition would barely be noticed in a well screened garden in the context of a loose-knit pattern of houses and gardens on the edge of the village. Whilst I give this some weight, there would nonetheless be a degree of visual intrusion within this semi-rural landscape. And the fact that paragraph 145c) of the Framework does not exclude dwellings from the term 'buildings' indicates that Government policy does regard additions within a domestic context as cumulatively important in maintaining the openness of the Green Belt. Furthermore, the Court of Appeal in '*Turner v SSCLG & East Dorset Council* [2016] EWCA Civ 466' has confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect. This means that the absence of visual intrusion does not in itself mean that there is no impact on openness of the Green Belt as a result.
6. On this issue I conclude that the appeal scheme would be 'Inappropriate Development' in conflict with Local Plan Policies DP10 & DP13 and which paragraph 143 of the Framework says is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Issue (ii): Character and Appearance

7. The host building has a rural character derived from a combination of its simple form, traditional materials and an informal garden in a treed setting. In addition, its relatively small size encourages it being perceived as a cottage rather than a house.
8. However, the two storey rear extension would be at the same ridge height as the existing building rather than set-down to achieve subordination. And with a depth greater than that of the existing building, the extension's alteration of the dwelling from a linear form to a T-shape would appear somewhat contrived to maximise floorspace rather than to be sympathetic to the dwelling and its surroundings. As mentioned in paragraph 4 above, the side elevations in particular illustrate the harmful visual impact that would occur.
9. On this issue I therefore conclude that the appeal proposal would have an unacceptably harmful effect on the character and appearance on the dwelling and the surrounding area in conflict with Local Plan Policy DP7; Policy CSP18 of the Tandridge District Core Strategy 2008, and Section 12: 'Achieving Well-Designed Places' of the Framework.

(iii): Other Considerations

10. The grounds of appeal raise the issue of permitted development rights for the extension of the building in the event that the appeal scheme fails. It is argued that this 'fall back' position would enable the construction of extensions to the building about 100m³ volume more than the appeal scheme. It is considered that the effect on openness in the Green Belt and on the character of the dwelling would be much greater than presently proposed, particularly if an 8m depth rear extension under the Prior Approval procedure were to be pursued.

11. However, I agree with the Council's assessment that although greater in volume, the single storey extensions that could be built under permitted development (and as illustrated by one of the submitted plans) would be subservient to the original building. As such, they would have less effect on both the openness of the Green Belt and the character and appearance of the dwelling and its surroundings than would the appeal proposal.

Conclusions

12. On issue (i) I have concluded that the appeal scheme is inappropriate development which is harmful to the Green Belt and which paragraph 144 of the Framework says should be given substantial weight. On issue (ii) I have found that the proposed development would harm the character and appearance of the host dwelling and its surroundings.
13. Other considerations have been raised in terms of the potential for permitted development on the site. However, these do not clearly outweigh the totality of harm caused by harm to the Green Belt as a result of a loss of openness and by the adverse effect on the character and appearance of the building and its surroundings.
14. Accordingly, there are no very special circumstances in this case and the appeal is dismissed.

Martin Andrews

INSPECTOR