



Appeal Decision

Site visit made on 12 January 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2021

Appeal Ref: APP/M3645/D/20/3259590

Bluebell Cottage, Chapel Road, Smallfield RH6 9JH

- 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 Richard Lynes against the decision of Tandridge District Council.
 - The application TA/2020/1086, dated 23 June 2020, was refused by notice dated 28 August 2020.
 - The development proposed is the erection of single storey rear and side extensions incorporating demolition of existing outbuilding directly behind existing house and introduction of double garage with garden room (as per that currently afforded a Certificate of Lawfulness under reference 2019/2219).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be an inappropriate form of development in the Green Belt, and if so 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 the development.

Reasons

Inappropriate development

3. The site lies within the Green Belt. Policy DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 allows for the extension or alteration of buildings within the Green Belt where the proposal would not result in disproportionate additions over and above the size of the original building as it existed at 31 December 1968 (the property being a residential dwelling). The wording used in the policy is consistent with a similar provision as set out in paragraph 145(c) of the National Planning Policy Framework (the 'Framework') other than for the reference to 1968. As all extensions to the original bungalow took place after that date, the difference between policy DP13 and the Framework is not relevant in this case.
4. The supporting text to policy DP13 says that in determining applications for a building extension or alteration in the Green Belt, the Council will take into account factors such as the size of the original building, the bulk, height, mass and prominence of the extension or alteration. It goes on to say that detached

structures within the curtilage of the building to be extended or altered will be excluded from the calculations¹.

5. According to the Council's calculations, the original building measured approximately 280m³. The proposed extensions to the building, when taken with previous extensions, would enlarge the building to approximately 486m³, equivalent to an increase of 174%. These figures refer to the dwelling only, excluding the existing and proposed outbuildings.
6. A cumulative enlargement of this size would in my view result in disproportionate additions over and above the size of the original building. The building would be enlarged by extensive ground floor additions, extending well beyond the original side and rear walls. When taken in combination with the existing extensions and additions, the amount of enlargement would result in a building of a different scale and mass to the original modest bungalow, significantly increasing the building bulk on the site.
7. The appellant has also argued that the proposed development would accord with paragraph 145(g) of the Framework, which makes an exception to the construction of new buildings being inappropriate in the Green Belt where it is for the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than existing development.
8. In this case not only would the dwelling be substantially extended, but the proposed development includes replacing the existing outbuilding with a new one of a similar size. The total volume of buildings on the site, consisting of dwelling and outbuilding, would therefore be substantially greater than at present. The development, in particular the proposed side extension and outbuilding, would be more visible from the road than the existing structures, and would have a materially greater impact on the openness of the Green Belt.
9. I conclude that the proposed extensions would amount to disproportionate additions over and above the size of the original building, and that in combination with the proposed outbuilding would have a greater impact on the openness of the Green Belt than the existing development. The appeal scheme would therefore be inappropriate development in the Green Belt, contrary to policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 and national Green Belt policy as set out in the Framework.

Other Considerations

10. A recently granted prior approval² and certificate of lawfulness for proposed development³ have indicated that planning permission would not be required for a rear extension similar in depth to that proposed in the current appeal, or for a small enlargement of the existing side extension, or for a detached outbuilding the same as that proposed in the current appeal.
11. According to the Council's calculations when the extensions capable of being built under permitted development are added to the existing extensions, they would amount to a building of some 363m³, equivalent to an increase of 130%. I give some weight to the permitted development rights for extension in favour

¹ Tandridge Local Plan Part 2: Detailed Policies 2014-2029, paragraphs 13.1-13.4.

² 2019/1545/NH.

³ 2019/2219.

of the scheme given the appellant's wish to extend the property and, in the absence of the appeal scheme, the likelihood of them being implemented. However, as they would still come to significantly less volume than the appeal proposal, that weight is limited.

12. The main point of difference between the appellant and Council is whether the volume of an existing outbuilding, which would be demolished, should be taken into account in assessing the increase in the size of the dwelling. In my view it should not. The supporting text to policy DP13 is clear that detached structures within the curtilage of the building to be extended or altered should be excluded from the calculations. Paragraph 145(c) of the Framework also refers to 'a building' and 'the original building' (in the singular) as the frame of reference for assessing whether additions to it are disproportionate. I reach that view notwithstanding the ability to convert the outbuilding to ancillary residential use without the need for planning permission.

Very special circumstances

13. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. The harm caused by the inappropriate nature of the development attracts substantial weight. The materially greater impact on the openness of the Green Belt is also an adverse consequence of the development and adds to the harm.
15. I acknowledge that no harm would be caused to the character or appearance of the area, or the living conditions of neighbouring occupants. However, the absence of harm on these issues does not add weight in favour of the scheme.
16. I consider the limited weight assigned to the extensions that could be carried out under permitted development rights, and potential conversion of the existing outbuilding to ancillary residential accommodation, does not clearly outweigh the substantial harm that would be caused to the Green Belt by reason of its inappropriate nature and the impact on openness. Consequently, very special circumstances to justify inappropriate development in the Green Belt do not exist. It follows that the appeal must fail.

Conclusion

17. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR