



Appeal Decision

Site visit made on 11 January 2021

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 21 January 2021

Appeal Ref: APP/R3650/D/20/3261480

**Kennel Cottage, Witley Park, Lea Coach Road, Thursley, Godalming
GU8 6ND**

- 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 & Mrs Oleg Smirnov against the decision of Waverley Borough Council.
 - The application Ref WA/2020/0889, dated 2 June 2020, was refused by notice dated 20 August 2020.
 - The development proposed is erection of two storey and single storey extensions and new entrance porch.
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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;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the development is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal site comprises a two storey detached chalet property erected in the early twentieth century located within the Witley Park Estate. Originally it was a one bedroom single storey flat roofed property but in the early 1990's the pitched roof was added to provide additional accommodation within the roof space. The site is located in the countryside and within the Green Belt.

Whether the proposal would represent inappropriate development

4. The National Planning Policy Framework (the Framework) establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt unless, amongst other things, it involves the extension or alteration of a

building. That is, however, provided that it does not result in disproportionate additions over and above the size of the original building¹.

5. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 (LPP1) seeks, in accordance with the Framework, to protect the Green Belt from inappropriate development. Saved Policy RD2 of the Waverley Borough Council Local Plan 2002 (LP) states that proposals for the extension of dwellings will be permitted within the Green Belt provided criteria (a) to (c) of the policy are all met. Criteria (a) of the policy states that proposals for the extension of dwellings will be permitted provided that the extension '*does not result in disproportionate additions over and above the size of the original dwelling*'. In this respect, saved Policy RD2 of the LP conforms to the general thrust of Green Belt policy in the Framework. Moreover, it goes on to state that in assessing whether a proposed extension is disproportionate, account will be taken of the relative increase in floorspace together with the form, bulk and height of the proposal in comparison to the original dwelling.
6. The supporting text to saved Policy RD2 provides guidance about the approach that the Council will take in considering extensions to dwellings in the countryside within the Green Belt. It states, amongst other things, that the original dwelling is the dwelling that existed on 31 December 1968, or as it was constructed if this was at a date after December 1968, and as a guideline, a proposal which individually or cumulatively increases the floorspace of the original dwelling by more than 40% will be unlikely to satisfy criteria (a) of the policy.
7. The Council's evidence on this matter is that as a result of the current application and the other previous additions and alterations to the dwelling since 31 December 1968, the floorspace would be increased from the original building by approximately 91%. I have no reason to disagree with the Council's calculations and I note that the appellants have not disputed them either. Consequently, based purely on this statistical measurement the proposal would cumulatively lead to a further increase in the size of the original building significantly beyond the Council's guideline figure of 40%.
8. There are other approaches to this matter. The footprint of the property would be increased as a result of the proposed development and although the height of the building would not be increased, the proposed gables and extensions would add significant bulk and mass to the dwelling. No information has been given regarding volume which is another mechanism for quantifying the degree of change.
9. The appellants contend that the wording of the supporting text to saved Policy RD2 implies a degree of latitude in regard to the guideline figure of 40%. Moreover, they point out that the supporting text also says that regard should be had to the effect of the proposal on the rural character of the area in general and the overall scale of development on the site.
10. Even if the proposed development would not harm the rural character of the area, nor appear materially prominent within the landscape in the context of the existing development on the site, assessing proportionality is primarily an objective test based on size. On this basis, for the above reasons, comparing the original dwelling that existed on 31 December 1968 to the one that would

¹ Paragraph 145 c) of the Framework

result if the proposal were to go ahead, the outcome would be a disproportionate addition over and above the size of the original building, failing to accord with the exception in paragraph 145 c) of the Framework and criteria (a) of saved Policy RD2 of the LP.

11. For the above reasons, I find that the proposal would amount to inappropriate development and, in this regard, would conflict with Policy RE2 of the LPP1, saved Policy RD2 of the LP and the Framework.

Openness

12. The Framework advises, in paragraph 133, that openness is an essential characteristic of Green Belts. The openness of the Green Belt has both spatial and visual aspects.
13. In that the overall size, bulk and mass of the building would be increased by additional built form the proposal would lead to a loss of openness in spatial terms, although the loss would be limited and localised.
14. Consequently, notwithstanding the fact that it would not be readily visible from the public domain by virtue of the tall wall and screening afforded by trees and other foliage alongside Haslemere Road, the proposed development would have an overall minimal impact on the openness of the Green Belt.

Other Considerations

15. 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. It goes on to state, in paragraph 144, that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
16. The Council accepts that the proposal would result in a dwelling that would be aesthetically pleasing and would relate well to other lodge buildings within Witley Park. As a consequence, the character and appearance of the area would be enhanced. This lends support to the scheme, although I give this matter limited weight due to the location of the extensions which would not be prominent from the public domain.
17. The proposal would improve the living conditions of the occupiers of the property, providing them with enhanced accommodation. However, this is a private benefit and therefore attracts minimal weight.

Other Matters

18. The appellants have referred to two appeal decisions² as part of the appeal in order to support their view that the proposal should be allowed. However, these decisions are not directly relevant to the appeal proposal. They are in a different local authority area and not in the Green Belt and thus are not directly comparable to the appeal proposal. In any event, I have determined this appeal on its individual planning merits.

² References: APP/Y9507/D/18/3204224 and APP/Y9507/D/19/3232336

19. None of the other matters raised alter or outweigh my overall conclusion on the main issues.

Conclusion

20. The proposal would be inappropriate development in the terms set out in the Framework. In addition, there would be a minimal loss of openness of the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt.
21. For the reasons set out above the harm to the Green Belt would not be clearly outweighed by the other considerations. Therefore, very special circumstances necessary to justify a grant of planning permission have not been demonstrated.
22. Consequently, and having regard to all other matters raised, the appeal is dismissed.

Andrew Bremford

INSPECTOR