



Appeal Decision

Site visit made on 21 January 2021

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 26 January 2021.

Appeal Ref: APP/M3645/D/20/3261310

Pilgrims Lodge, Tupwood Scrubbs Road, Caterham CR3 6TH

- 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 Martin Harnett against the decision of Tandridge District Council.
 - The application Ref: TA/2020/977 dated 5 June 2020, was refused by notice dated 3 August 2020.
 - The development proposed is demolition of single storey rear extensions; erection of single storey rear/side extension; external elevations to the front of the house; external alterations to outbuilding.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of single storey rear extensions; erection of single storey rear/side extension; external elevations to the front of the house; external alterations to outbuilding at Pilgrims Lodge, Tupwood Scrubbs Road, Caterham CR3 6TH in accordance with the terms of the application, Ref: TA/2020/977 dated 5 June 2020 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: 1131-P-01 Rev C; 1131-P-02 Rev A; 1131-P-03 Rev D; 1131-P-04 Rev A; 1131-P-05 Rev A; 1131-P-06 Rev A; 1131-P-07 Rev B; 1131-P-08 Rev E; 1131-P-09 Rev D; 1131-P-10 Rev F; 1131-P-11 Rev E.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall accord with those shown on the approved plans: 1131-P-05 Rev A; 1131-P-09 Rev D; 1131-P-10 Rev F and 1131-P-11 Rev E.
 - 4) No site clearance, preparatory works or development shall take place until a Tree Protection Plan and Arboricultural Method Statement, relating to all stages of the development hereby permitted, for the protection of all trees and hedges to be retained on sites or trees located offsite within 12 metres of the red line boundary have been submitted to and approved in writing by the local planning authority. The submitted details shall follow the principles of BS5387 Trees in relation to Design, Demolition

and Construction – Recommendations (or an equivalent British Standard if replaced) and shall include:

1. the position of existing trees including in relation to existing and proposed ground levels,
2. the siting of and details of temporary tree protection fencing,
3. construction method statements including construction routes.

The works shall be undertaken in accordance with the approved details and the fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained during the course of development and until all equipment, machinery and surplus materials have been removed from the site.

No bonfires shall take place within the root protection area (RPA) or within a position where heat could affect foliage or branches; no trenches, drains or service runs shall be sited within the RPA of any retained tree; nothing shall be stored or placed within any fenced area and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Preliminary Matters

2. At the time of my site visit the detached annex had been reclad in timber, but I shall assess the proposals on the basis of the proposed plans before me.
3. At a late stage in the appeal process, the Appellant advised that a different application had been determined by the Council. The Procedural Guidance is clear at C.5.4 that *the Appellant will not normally be able to send any further material unless further information or response is required and requested by the Inspector*. The Council advised that it did not wish to make any further representations in this respect. As a result, I have not accepted the offer by the Appellant to provide information in relation to this other decision and have based my decision on the appeal proposal before me.

Main Issues

4. The main issues in this appeal are:
 - a) Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies, and
 - b) Its effect on the on the character and appearance of the local area.

Reasons

Issue a) Whether Inappropriate Development

5. The appeal property is a modest, single storey detached dwelling, situated on a large plot and surrounded by woodland. The woodland is covered by a woodland Tree Preservation Order (TPO) and surrounded by ancient woodland. It is approached via a shared access track. The appeal site is situated within the Green Belt.

6. The National Planning Policy Framework (Framework) sets out the government's planning policies to secure sustainable development. Paragraph 133 sets out the great importance that the Government attaches to Green Belts and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 confirms that *inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances*. Paragraph 145 sets out that the construction of new buildings is inappropriate except for a limited number of exceptions including the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building. The Framework does not define further the term 'disproportionate'.
7. The Council has also referred to Policies DP10 and DP13 of the adopted Tandridge Local Plan – Part 2: Detailed Policies (Local Plan) in its reason for refusal. Policy DP10 indicates that permission will normally be refused for inappropriate development and the supporting text refers back to the Framework in terms of the definition of the exceptions to inappropriate development. Policy DP13 sets out more detailed guidance and indicates that the Council will take a pragmatic approach to each case, taking into account a range of factors, including, amongst others, bulk, height, mass and proportions of the additions over and above the size of the original dwelling. It further indicates that as a general rule, the Council will take into consideration the increase in the volume of the dwelling over and above the dwelling as originally built or as existing on 31 December 1968 (whichever is the later) to assess whether a proposal would result in a disproportionate addition.
8. The Council has assessed that the volume of the original building was 578.4 cu.m and that the building as proposed to be extended, taking into account the existing single storey element to be demolished would have a volume of 768.6 cu.m which would represent just under 33% increase in volume over the original building. Although it advises in its supporting text to Policy DP13 that it does not normally rely on floorspace calculations, the Council has further indicated that in footprint (floorspace) terms, the increase would be just over 40%. The Appellant has not disputed these figures and I have no reason to take a different view.
9. Furthermore, the Council has indicated that in mathematical terms it would not regard the addition as a disproportionate increase. However, the Council considers that the wrap around extension would dominate the existing building and result in a materially greater impact on openness and in those respects would be a disproportionate increase.
10. The proposed extension would remove the existing additions at the rear of the building. It would follow a regular plan with clean, uncluttered lines, respecting the eaves height and the rectangular form of the existing building. Although, by wrapping part way round the side of the building, the proposed extension would be longer than the existing building, its modest height and depth would assist in it being seen as a subservient addition to the existing dwelling. The changes proposed to the fenestration would assist in ensuring that the new addition and the existing building would appear as a unified composition. The proposal would provide additional hedge / scrub screening, but my assessment is based on the proposed built form.

11. I therefore consider that the proposed scale, massing and design of the proposed extension would not be over dominant in relation to but would complement the form and proportions of the existing building. Given its scale and proportions, the proposed extension would not, in my view, have a material impact on the openness of the Green Belt.
12. The existing annex building would be reclad in timber with changed fenestration. Given its separation from the dwelling and that it would not increase in size, I do not consider that this part of the proposal would have any adverse impact on the character and appearance of the existing dwelling or on the openness of the Green Belt.
13. Taking all these factors together, including the scale of increase in both footprint and volume terms, as well as the proposed scale, massing and design of the extension, I am satisfied that the proposal would not be a disproportionate addition to the original building. It is therefore my conclusion that the proposal would not be inappropriate development for the purposes of the Framework and development plan policy. There is therefore no need for the development to be justified by very special circumstances.

Issue b) Character and Appearance

14. I have already found that the proposal would respect the proportions and form of the existing building and would therefore, in my view, also not harm its character or appearance. Similarly, the property would continue to be seen as a modest detached single storey property, surrounded by woodland. I do not therefore consider the property as proposed to be extended would harm the character and appearance of the local area, including the local landscape character. The detached annex already exists and the proposals to reclad it would not in my view result in any material impact on the character and appearance of the local area.
15. I therefore conclude that the proposals would respect the character and appearance of the local area, including the local landscape context. There would be no conflict with Policy CSP18 of the Core Strategy and Policy DP7 of the Local Plan as well as the Framework, and in particular Section 12, all of which seek a high quality of design which respects the local context.

Conditions

16. The Council has requested a number of conditions in the event of planning permission being granted. I agree with the Council that a condition to list the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.
17. Although I am satisfied that no existing trees would be directly affected as a result of the proposals, I agree with the Council that, given the status and protection to the surrounding woodland, appropriate measures are required to be taken to ensure their protection during the construction stage. In order to be effective, it is my view that the condition relating to the protection of the existing trees requires to be a pre-commencement condition. In accordance with Section 100ZA (5) of the Town and Country Planning Act 1990 and The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, I have therefore requested and received the Appellant's written agreement to the imposition of this condition.

18. In terms of materials and notwithstanding the suggested condition by the Council, the materials proposed would not match those used on the existing building and I have therefore imposed a condition to require the materials to accord with those shown on the submitted and approved plans to protect the character and appearance of the building and local area. These are the proposed materials which have been the basis of my assessment.
19. The Council has also requested that permitted development rights for further works are withdrawn. Notwithstanding the location of the property within the Green Belt, on the basis of the information before me I do not consider that such a condition would pass the test of reasonableness or necessity.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR