



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: 02 February 2021.

Appeal Ref: APP/M3645/D/20/3261580

Pilgrims Corner, Gravelly Hill, Caterham CR3 6ES

- 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 Adel Perseh against the decision of Tandridge District Council.
 - The application Ref: TA/2020/1253 dated 16 July 2020, was refused by notice dated 1 October 2020.
 - The development proposed is erection of first floor front extension to house and detached single garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site has a complex planning history. It is my understanding that under the Council's Ref: 2016/2075 permission was granted for first floor side and rear extensions to the house. The extension was not built in accordance with the approved plans. An application for permission to regularise the extension as built, focusing on the first floor side extension, was refused under the Council's Ref: TA/2018/2120 and dismissed on appeal under Ref: APP/M3645/D/19/3224938 in May 2019 on grounds of harm to the green belt.
3. The proposal before me seeks retention of the first floor addition as built, but to address the findings of the Council and the previous Inspector in the decisions referenced above, in relation to disproportionate additions to the original property in the Green Belt, the Appellant proposes a number of changes. First the Appellant proposes to reduce the scale of the detached double garage approved under the Council's Ref: TA/2017/2349 to a single garage. In addition, the proposal includes for the reinstatement of the hipped roof to the rear of the main dwelling, which was as approved under the permission TA/2016/2075; it has been built as a gable end, as seen at my site visit. At my site visit I also noted that the main walls and roof to the double garage are currently constructed but not complete. The first floor addition is built as shown on the submitted plans before me and the Appellant confirms that he is seeking to retain this extension as implemented and completed.
4. The Council has referred to enforcement action currently being undertaken but that is not before me and my decision relates to the refusal of planning permission as shown in the header.

5. I understand from the Council's report that the Appellant submitted a confidential report that was taken into account at the application stage. Although the same appeal decision has been provided to me, the Appellant has not referred further to this confidential report in his appeal submission; it is not therefore before me.

Main Issues

6. 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;
 - b) Its effect on the openness of the Green Belt;
 - c) Other considerations; and
 - d) Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Issue a) Whether Inappropriate Development

7. The appeal property is a detached two storey property on the south side of Gravelly Hill with a number of detached properties on both sides of the road, surrounded by woodland and more open countryside. It is situated within the Green Belt and within the Surrey Hills Area of Outstanding Natural Beauty (AONB).
8. 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'.
9. 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 in the Green Belt 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.

10. The supporting text also makes clear that detached structures within the curtilage of the building to be extended or altered will be excluded from the calculations. These are specifically addressed under Policy DP14 of the Local Plan which confirms that such buildings will be permitted subject to a number of criteria.
11. The decision notice also refers to Policy CCW1 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan (submission version) which follows Policy DP13 of the Local Plan.
12. There are references to differences between the Appellant and the Council over the volume figures, although in the context of this appeal, the Council's figures have not been contested by the Appellant. The Council indicates that there has been over a 50% increase in volume taking into account the first floor as built, but before any deductions for the proposed amendment from double to single garage. It does not appear, from the limited information before me, that the Council's calculation includes for the gable end to the rear elevation as built.
13. The Appellant has set out the built volume reductions from the proposed changes, including the existing gable to the permitted hip roof and reducing from a double to a single garage. However, on the basis of the information before me and Local Plan policy as set out above, it would not appear that the approved and part built garage forms part of any of the calculations used by the Council; such structures are considered separately, in policy terms, from the main dwelling. For all these reasons, a reliance on mathematical calculations, in the particular circumstances of this case and given the limited information before me, is therefore problematic and potentially confusing.
14. Nonetheless, the proposed changes, and in particular the proposed change from a double garage as under construction to a single garage, would result in a reduction in the amount of built volume within the site.
15. The reduction in the size of the garage would be single storey only and is, as under construction, already seen as a small and ancillary structure in relation to the main house. In comparison, the extension as built adds to the overall bulk and massing of the extended property. From the information provided to me, the first floor extension as permitted would have been set back from the front elevation with a lower ridge line and would have thus appeared as a subordinate addition to the main house. As built, the main ridge line of the house is extended over the extension and the addition is also brought forward in line with the main front elevation. The result is a very solid mass and bulky property, which is clearly visible and prominent in the street scene, on Gravelly Hill. By comparison the garage building already appears as a much smaller ancillary structure compared with the size, scale and massing of the main property and is largely screened from view within the street scene. I do not therefore consider that the changes proposed would, in bulk and massing terms, offset the effect of the first floor extension as built.
16. Taking all these considerations together, and notwithstanding the offers proposed to reduce built volume on the site, I have no doubt that the scheme proposals would be a disproportionate addition over and above the size of the

original property and so would be inappropriate development for the purposes of the Framework and development plan policy.

Issue b) Openness

17. Inappropriate development is, by definition, harmful to the Green Belt, as set out within the Framework, and in accordance with that guidance, I therefore attach substantial weight to this harm which I have concluded under my first issue. I have also considered whether there is any other harm.
18. The first floor extension as built, for the reasons set out above, adds to the bulk and massing of the main property and so harms the openness of the site. Whilst the proposed reduction in the garage from a double to a single garage and the change from the rear gable end to a hipped roof at the rear would be beneficial in terms of openness, I do not consider that they would offset the impact on openness from the first floor extension as built. This harm to openness therefore adds to the harm I have already found.

Issue c) Other Considerations

19. The Framework indicates at paragraph 144 that substantial weight should be attached to any harm to the Green Belt. Very special circumstances to justify such development 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. I now turn to the other considerations in support of the development which have been put forward.
20. The proposed amendment from a gable end to a hipped roof at the rear of the property would reduce the bulk and massing of the property. However, my understanding is that this proposal would simply reinstate the rear elevation in accordance with the earlier permission and I am therefore unable to add weight to this proposal in support of the development.
21. I have already addressed why, notwithstanding the volume reduction, I do not consider that the proposed reduction in the garage size would offset the effect of the extension as built. Notwithstanding this finding, it would reduce the amount of built volume on the site and this would therefore add some limited weight in support of the proposal.
22. The Appellant has emphasised that the Council has found no harm to the character and appearance of the building and local area as a result of the extension as built. Given the variety of individual buildings of differing scales in the local vicinity I have no reason to take a different view. In addition, given that the extension and proposals would be confined to the existing residential curtilage, I also find no reason to disagree with the Council's conclusion that would be no harm to the scenic beauty and landscape character of the AONB. However, the absence of harm in these regards does not add support in favour of the proposal; they are both a neutral factor in my assessment.
23. The Appellant has offered a condition to seek to ensure that if the double garage were not reduced in size then the first floor extension would be reinstated as per the original permission. However, as I am not persuaded that the proposed 'exchange' in terms of the reduction in size of the garage in order to retain the first floor as built, would be acceptable in green belt terms, there is no need for me to consider this matter further. No weight is therefore added in support of the proposal as a result of this proposed condition.

24. Although the offer to accept conditions relating to planting and landscaping of the garden are noted, and increased landscaping would be welcome, it would not affect the openness of the green belt. This offer does not add weight in support of the proposals.
25. I understand that the proposals have been put forward in order to try and address the concerns raised by the previous Inspector under the appeal Ref: APP/M3645/D/19/3224938 in order to enable the first floor extension to be retained as built. However, I have set out in my assessment the reasons why I do not consider that the proposed reductions would offset the first floor extension as built in green belt terms. I see nothing inconsistent with the assessment I have made with that of the previous Inspector. No support is therefore added in favour of the appeal in this regard.
26. The Appellant has submitted examples of other appeal decisions which he contends demonstrates that much larger increases in built volumes have been permitted. However, each decision must be based on its individual merits and whilst I have taken them into consideration, I have found nothing which persuades me to a different view in the particular circumstances of this case. They do not therefore add weight in support of this appeal.

Issue d) Balancing of Considerations and whether very special circumstances exist.

27. I have already found that substantial weight must be given to the harm to the Green Belt by reason of the inappropriateness of the proposed extension. The harm from loss of openness adds to the harm by reason of inappropriateness. The totality of the harm I have concluded is not clearly outweighed by the other considerations. I do not find that the very special circumstances required to justify the proposed development of the extension to the dwelling exist. The proposal would therefore fail to accord with the Green Belt aims of the Framework and Policy DP10 of the Local Plan.
28. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR