



Appeal Decision

Site visit made on 9 February 2021

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2021

Appeal Ref: APP/Q3630/W/20/3261496

1&2 The Old Telephone Exchange, Longcross Road, Chertsey KT16 0DP

- 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 Nigel Warrilow against the decision of Runnymede Borough Council.
 - The application Ref RU.20/0231, dated 29 January 2020, was refused by notice dated 21 August 2020.
 - The development proposed is hip to gable extensions, addition of dormer windows and roof windows to the front and rear to create first floor accommodation to both dwellings. Addition of porch and changes to fenestration of both dwellings. Linking of building 3 to dwelling 2 to create an attached garage/utility room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For reasons of precision and clarity, I have taken the description of development from the Council's Decision Notice.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal upon the openness of the Green Belt;
 - The effect of the proposal upon the living conditions of existing residents, in particular from overlooking; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

4. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by

definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. Paragraph 145 of the Framework identifies that the construction of new buildings should be regarded as inappropriate development in the Green Belt, other than in respect to a limited range of specified exceptions. These exceptions include 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. Policy EE4 of the Runnymede Local Plan 2030 (RLP) reflects the wording of the Framework.
6. Neither the Framework nor the development plan defines what is considered to be a disproportionate addition. This is therefore a matter of judgement, comparing the proposal with the size of the building as it currently appears on site.
7. In this respect, therefore, whilst the proposal would involve a substantial increase in floorspace of the two dwellings, it does not follow that this makes the proposal inappropriate. Furthermore, I note that the majority of this additional floorspace is provided within the existing built footprint of the dwellings.
8. The single storey extensions, whilst they would extend the existing buildings beyond their current footprint, on their own, they would be relatively modest in size. The linking extension would also be relatively small and would still retain a substantial element of the gap between these two buildings. Furthermore, due to the location of these additions, they would not be overly obvious when seen from nearby public viewpoints.
9. In contrast, the proposed alterations to the existing roof of the dwellings, whilst not increasing the overall height of the buildings and retaining the existing gap, would, due to the design of the additions, substantially increase the overall mass and bulk of these buildings. This would result in a form of development that would significantly increase the scale of the buildings and, as a consequence would, in my judgement, result in disproportionate additions over and above the size of the original buildings.
10. It has not been put to me that the proposal would not be inappropriate development in the Green Belt for any other reason and I have found no reason to believe that it would. Therefore, when assessed against the relevant sections of the Framework and the adopted policies in the RLP, the proposed dwelling would represent inappropriate development within the Green Belt.

Openness

11. The essential characteristics of Green Belts are their openness and their permanence. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework, but it is commonly taken to mean the absence of built or otherwise urbanising development.
12. The appeal site is already occupied by three, single storey buildings. However, due to the overall design and nature of the additions, in particular the changes to the existing roofs, the proposed development would be more visually prominent, with the existing dwellings appearing as substantially bulkier forms

of development. Furthermore, openness, however, is not just about visual impacts, but it also has a spatial element. In this instance, notwithstanding the retention of the gap between the buildings, due to the increase in bulk, I am of the view that the proposed development would have a greater impact on the openness than the existing development. Although, due to the presence of the existing buildings, the overall harm to the openness of the Green Belt would be limited.

Living conditions

13. Policy EE1 of the RLP requires proposals to ensure it has no adverse impact on the amenities of the occupiers of the development proposed.
14. The proposal would involve the insertion of dormer windows into both the existing dwellings, with these windows serving a bedroom in building 2 and a bedroom and en-suite in building 1. Due to the orientation and layout of the existing buildings, these windows would face each other across the communal parking area. Given the relationship between the two properties and the proximity between the dwellings, it is likely that there would be direct views into these windows from the opposite property. As a consequence, the proposal would result in significant overlooking and loss of privacy that would harm the living conditions of existing residents.
15. It is submitted by the appellant that the dormer windows would be off-set so as to reduce the potential for overlooking, however given the relationship and proximity between the two properties, I do not consider this would make a material difference to the harm I have found.
16. I have been referred to a Lawful Development Certificate (LDC), which allows for work to be undertaken to both properties, with the appellant submitting that the appeal proposal would be no different to the LDC scheme. From the evidence however, I note that the LDC scheme would involve rooflights in the corresponding elevations, which, whilst it would increase the level of overlooking in comparison to the current situation, would be materially less than that which would result from the appeal scheme.
17. For the above reasons, I therefore conclude that the proposed development would result in significant harm to the living conditions of existing and future residents from overlooking and loss of privacy and, in this respect, would be contrary to Policy EE1 of the RLP and Paragraph 127 of the Framework.

Other Considerations

18. Paragraph 144 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. Other considerations in favour of the development must clearly outweigh the harm.
19. In relation to the LDC, it has been put to me by the appellant that, in comparison to the appeal proposal, the LDC scheme would appear as an incongruous form of development. In contrast, the appellant submits that the appeal proposal would be more sympathetic to the host property, with the proposed dormers being smaller and more subordinate. I do not however agree with these submissions and consider that under the LDC scheme, the bulk and mass of the roof extensions would be smaller than the appeal proposals. On this basis, I have therefore given the LDC scheme limited weight.

20. The appellant has referred to the potential for the dwellings to be extended through the use of permitted development rights, which, in their submissions could potentially create larger dwellings, without the associated architectural benefits. However, to my mind such permitted development rights are largely universal, with the vast majority of properties afforded the right to extend without the need for planning permission, such that the presence of permitted development rights carries only limited weight.

Green Belt balance

21. The proposal would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be accorded substantial weight. In addition, limited harm would result from the reduction in the openness of the Green Belt.
22. In the context of the above, very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. Consequently, other considerations weighing in favour of the development must clearly outweigh any harm.
23. I note that the Council raise no other issues in relation to trees, highways and parking, impact on neighbouring occupiers and the character and appearance of the area, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.
24. Therefore, considering the substantial weight and national importance to protecting the Green Belt, all of the considerations that weigh in favour of the proposal, do not clearly outweigh the identified harm to the Green Belt, so as to amount to the very special circumstances necessary to justify the development.

Conclusion

25. For the above reasons, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR