
Appeal Decision

Site visit made on 16 February 2021

by M Scriven BA (Hons) MSc CMgr MCIHT MCMi

an Inspector appointed by the Secretary of State

Decision date: 05 March 2021

Appeal Ref: APP/L3625/W/20/3263801

131 London Road North, Mertsam, Surrey RH1 3AL

- 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 Muhammad Daood against the decision of Reigate & Banstead Borough Council.
 - The application Ref 20/01237/F, dated 10/06/2020, was refused by notice dated 01 October 2020.
 - The development proposed is the addition of a second floor to accommodate two flats of 1 bedroom and 2 bedrooms. This application is an addition to application numbers 18/01646F & 20/00254/F for 6 approved flats.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have determined the appeal on the plans provided.
3. I am aware of two other recent appeals¹ at the appeal site, which I have had regard to.

Main Issues

4. The main issues are;
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework, 2019 (the Framework) and local policy.
 - The effect of the proposal on the openness of the Green Belt and the character and appearance of the area.
 - If the development would be inappropriate, whether the harm to the Green Belt by way 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 it.

Reasons

Whether inappropriate development

5. The appeal site is located within the Metropolitan Green Belt. The Council's reasons for refusal refer to Policy CS2 of the Reigate and Banstead Local Plan

¹ APP/L3265/W/17/31874676; APP/L3265/W/19/3223793

Core Strategy, 2014 (LPCS). Having considered that Policy it would not appear to relate to Green Belt. However, Policy CS3 of the LPCS is also referred to and it states that except in very special circumstances approval will only be given in the Metropolitan Green Belt for certain developments which are listed as policy exceptions. Policy NHE5 of the Reigate and Banstead Local Plan Development Management Plan, 2019 (LP) identifies such exceptions. One exception which is pertinent to the appeal is where the proposed development would constitute an extension or alteration of an existing dwelling where it would not be disproportionate to the original building, or that which existed in 1948.

6. The Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, and similarly to the LPCS, it states that a local planning authority should regard the construction of new buildings in Green Belt as inappropriate, albeit with a set of exceptions. One such exception is the extension or alteration of an existing building, provided that it does not result in disproportionate additions over and above the size of the original building.
7. Policy NHE5 does include provision regarding proposals not resulting in accommodation readily capable of conversion in to separate dwellings. However, it is clear that the Council's refusal did not rely on this component of the policy, given the planning history of the site which has previously allowed the principle of conversion of the appeal building.
8. As such, it is clear that Policy CS3 of the LPCS and those components of NHE5 which the proposal has been considered against are broadly consistent with national Green Belt policy.
9. In determining such proposals the Council take account of matters such as the building's footprint, floor area, massing, bulk, height, location, positioning and prominence of the proposal.
10. The floorspace of the original house was around 168sq metres. The area of approved historic extensions to date results in a 62% increase of floorspace on that of the original building. Whilst not appearing to change the footprint of the building and allowing for the previously consented loss of basement, the proposal would increase the overall floor space by approximately 115% greater than that of the original house. It is clearly stated in the Framework that such development in Green Belt should not result in a disproportionate addition, over and above the size of the original building. In my view such an increase would be disproportionate given the increased floorspace of the resultant building.
11. Therefore, the proposed development would not represent a limited extension or alteration to the original dwelling. Furthermore, the proposal would be contrary to policy CS3 of the LPCS and NHE5 of the LP. The proposal would therefore also be contrary to the Framework.

Openness & Character and Appearance

12. The Framework states that one of the essential characteristics of Green Belt is openness. Openness in this regard can have a spatial as well as visual impact.
13. Notwithstanding other larger development exists nearby, spatially the proposed development would materially increase the size of the building overall. The proposed increase in height of the building, to accommodate the increased floor

- space, would be materially different to that which currently exists, creating a building of greater bulk overall.
14. Visually, the proposed alterations to the roof space, incorporating multiple dormers above existing and those intended further to recent approval, would result in a harmfully dominant and top-heavy building at odds with its immediate surrounds. In my view this harm would not be overcome by the use of matching, high quality materials given the increase in roof height and resultant number of dormers.
 15. London Road is a lengthy route, as the appellant points out through the use of photo imagery, elsewhere along it and in the wider area there are buildings of differing appearance and styles. However, the proposal before me would result in development at the site appearing far more conspicuous in its elevated setting than that which currently exists by virtue of the increased roof height and prominent dormer additions. The proposal would therefore not only impact on existing openness but also result in moderate harm to the character and appearance of the immediate area.
 16. The established boundary trees and vegetation offer some screening to the site. This would partially offset the impact of the proposal on openness and the harm identified to existing character and appearance. However, the screening would not wholly overcome these matters given the positioning of the building in the elevated plot and the gap that exists to allow for access affords views into the site, particularly when seen from the south on London Road. Also, several of the established trees are deciduous, thereby providing only temporal screening.
 17. The site is located in the Surrey Hills Area of Outstanding Natural Beauty (AONB). I have therefore had regard to the statutory purposes of the AONB's designation. The Framework states that great weight should be given to conserving or enhancing landscape and scenic beauty within AONBs. The Council have not identified any adverse impacts in this regard and given the site's proximity to the main road and nearby built form I see no reason to disagree with this.
 18. Although the proposal would appear to accord with Policy CS2 of the LPCS which seeks to protect the AONB, the proposed development would not accord with Policy CS3 of the LPCS and NHE5 of the LP which collectively seek to ensure that development proposals in the green belt do not impact on openness. Furthermore, the proposal would not accord with Policy DES1 of the LP that seeks to ensure proposals enhance or reflect the character of the area.
 19. For the same reasons the proposal would conflict with the Framework's green belt policies in these regards.

Other considerations

20. The Framework states that substantial weight should be 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.
21. The appellant does not appear to submit other considerations beyond those addressed above. The information detailed in the design and access statement

would not amount to benefits in favour of the proposal but rather amount to no harm, which is of neutral weight.

22. The proposal would add a small number of units to the local housing mix. However, I have no reason to consider that the Council cannot currently demonstrate an adequate forward supply of homes. Therefore, the associated benefit is only of moderate weight.
23. The Framework attaches great importance to Green Belts and states that substantial weight should be given to any harm to the Green Belt. It is considered the development would cause harm to the Green Belt by way of inappropriateness and to openness. Balanced against that are the other considerations identified above. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
24. As such the proposal does not accord with Policy CS3 of the LPCS and NHE5 of the LP. Similarly, the proposal would not accord with the Framework.

Conclusion

25. For the reasons above the appeal is dismissed.

M Scriven

INSPECTOR