
Appeal Decision

Site visit made on 22 March 2021

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 31 March 2021

Appeal Ref: APP/R3650/D/20/3263008

Mariners, 88 Petworth Road, Haslemere GU27 3AU

- 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 James Leach against the decision of Waverley Borough Council.
 - The application Ref WA/2020/0880, dated 26 May 2020, was refused by notice dated 30 October 2020.
 - The development proposed is demolition of existing outbuildings and proposed 1.5 storey rear extension.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Leach against Waverley Borough Council. This application is the subject of a separate Decision.

Main Issues

3. 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

4. The appeal site comprises a large detached and predominantly two storey dwelling, set within a substantial plot outside of any Settlement Policy Boundary. It is located in the countryside within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and within the Green Belt.

Whether the proposal would represent inappropriate development

5. 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.
6. 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.
 7. 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. The policy also states that proposals for the extension of dwellings will be permitted in the Green Belt provided that the extension is of an appropriate design and will not adversely change the character, appearance, bulk and setting of the existing dwelling (criteria b); and will not appear more intrusive in the landscape or otherwise detract from the rural character of the area (criteria c). 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.
 8. 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.
 9. There is no dispute between the parties that the proposed one-and-a-half storey rear extension would cumulatively result in around 57% more floorspace than the original dwelling and hence significantly beyond the Council's guideline figure of 40%.
 10. The appellant contends that the floorspace proposed at first floor level can be discounted from the calculations on grounds that it would have no impact whatsoever on the Green Belt and has referred to the supporting text to Policy RD2 in support of his argument. However, the supporting text to the policy² is clear that it is proposals which utilise part of the *volume of the existing building*, such as conversions of lofts or cellars, that will usually have less impact on the rural character of the area. In this case, the proposed one-and-a-half storey rear extension would not utilise part of the volume of the existing building; it would involve a wholly external enlargement of the existing building and so no such discount can be applied.
 11. The proposed development would include the demolition of existing outbuildings at the site. The appellant contends that if the floorspace of the six outbuildings is taken into account, the proposed development would result in

¹ Paragraph 145 c) of the Framework

² Paragraph 11.28 (v)

40% additional floorspace over and above that of the original dwelling. However, the supporting text to Policy RD2³ indicates that for the purposes of the policy and hence the assessment of whether or not a proposed extension would result in a disproportionate addition over and above the size of the original dwelling, the floorspace of the dwelling shall exclude all detached outbuildings.

12. There are other approaches to this matter. The footprint of the property would be increased as a result of the proposed development. Although the overall height of the building would not be increased and even though the area where the extension is proposed to be located comprises some low level outbuildings, the proposed one-and-a-half storey rear extension would add significant bulk and mass to the dwelling.
13. Even if the proposed development would not harm the rural character of the area, nor impact upon the wider landscape including the AONB, 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 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.
14. Consequently, 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

15. 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.
16. 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.
17. The removal of the existing six outbuildings dispersed across the site would result in the consolidation of built form within one part of the site. However, the evidence indicates that the combined volume of the outbuildings is significantly less than the volume of the proposed extension. Thus, taking into account that the outbuildings are low profile structures and have less combined bulk and are no greater in height than the proposed one-and-a-half storey rear extension, they have significantly less impact on the openness of the Green Belt than would result from the proposal. Therefore, their removal would not offset the additional bulk and mass of the proposed disproportionate addition to the dwelling.
18. Consequently, for the reasons outlined above, notwithstanding the fact that it would not be readily visible from the public domain by virtue of the mature trees and landscaping along all sides of the site and its set back position from Petworth Road, I conclude that the proposed development would have an overall minimal impact on the openness of the Green Belt.

³ Paragraph 11.28 (i)

Other considerations

19. 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.
20. The Council accept that the design of the proposal would integrate with the overall character of the host building and so result in a dwelling that would not cause harm to the character and appearance of the area. This lends support to the scheme, although I give this matter limited weight due to the location of the proposed extension which would not be prominent from the public domain.

Conclusion

21. 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.
22. 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.
23. Consequently, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR