

Appeal Decision

Site visit made on 8 April 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021

Appeal Ref: APP/M3645/D/20/3262416

Coombe Hay, Butlers Dene Road, Woldingham CR6 9JH

- 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 Ms Jan Mackie against the decision of Tandridge District Council.
 - The application, Ref. TA/2020/1263, dated 16 July 2020 was refused by notice dated 11 September 2020.
 - The development proposed is a part single, part two storey side extension along with other re-modelling works and a replacement garage, plus changes to fenestration including removal/installation of windows/doors and two roof lights.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a part single, part two storey side extension, two storey front extension, and two storey side/rear extension in association with first floor with new roof over. Replacement of detached garage. Changes to fenestration including removal/installation of windows/doors and two rooflights at Coombe Hay, Butlers Dene Road, Woldingham in accordance with the terms of the application, Ref. TA/2020/1263, dated 16 July 2020 and subject to the following conditions:
 - 1) The development to which this permission relates shall begin not later than the expiration of three years beginning with the date of this decision;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 870_1; 870_02 Rev. A; 870_00 Rev. A;
 - 3) The materials to be used on the external faces of the proposed development shall be in accordance with the details shown on the submitted application particulars;
 - 4) Before the development is occupied, first floor side windows less than 1.7m above internal floor level shall be fitted with obscure glass and restricted opening and thereafter permanently retained in that form.

Procedural Matter

2. The appellant's description of the proposal on the appeal form has used the wording on the Council's Notice of Refusal as opposed to the original wording on the planning application form replicated in the final bullet point of the above
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header. As I consider the Council's description more accurately describes the proposed development I have used this in my Decision in paragraph 1 above.

Main Issue

3. The main issue in the appeal is whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2019 ('the Framework') and any relevant development plan policies.

Reasons

4. Paragraph 145 of the Framework says that the construction of new buildings are inappropriate development in the Green Belt, but that exceptions include '*c) 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*'.
5. Section E of Policy DP13 of the Tandridge District Local Plan: Part 2 – Detailed Policies 2014 ('the Local Plan') says the same, but makes it clear that in Tandridge it applies to buildings outside the 'Defined Villages' and supplies a definition of 'original building'. The supporting text also explains that in determining what constitutes a 'disproportionate addition' the Council will adopt a pragmatic approach, with each proposal judged on its individual merits taking into account factors such as the size of the original building, the bulk, height, mass and prominence of the proposal and its impact on the openness of the Green Belt. Section B of Policy DP10 reiterates the Framework's approach to decision-making on Green Belt proposals.
6. In the case of the appeal scheme, the Council says that the original house had a volume of 798m³ and that the appeal scheme would add 220m³, an increase of 38%. This is considered to be 'mathematically proportionate' but given the level of enlargement and significant change in appearance to the original building, the additions are considered to be to inappropriate development to the detriment of the openness of the Green Belt. Conversely, having regard to its design, scale and siting in relation to the site's levels, the proposed replacement garage is acceptable and is not considered to be inappropriate development.
7. Ostensibly at least, the Council's approach has some credence because the increase in ridge height and the greater bulk resulting from the change from a bungalow to a two storey dwelling would involve a noticeable loss of openness within the curtilage of Coombe Hay. However, I am minded to agree with the appellant's view that the effect on the character and appearance of the original building is less important than the actual effect on openness which in this case can be equated to the proposed 38% increase in built form.
8. My approach to an appraisal of the effect on openness is informed by a number of judgements of the Courts and some of these are referred to in the grounds of appeal. In addition to those already cited for the appellant, I am aware that in *Euro Garages Ltd v SSCLG & Anor* [2018] EWHC 1753 (Admin) the judge indicated that rather than treating *any change* as having a greater impact on openness of the Green Belt, the correct approach is to consider the *impact or harm, if any, wrought by the change* (my emphases). The judgement added that whether or not any change will have an adverse impact, and so cause harm

to openness, might depend on factors such as the scale of the development, its locational context, and its spatial and/or visual implications.

9. In applying this approach I saw on my visit that, as pointed out in the grounds of appeal, the existing property is not visible from any public viewpoint outside of the appeal site with the exception of a brief glimpse through the site access. This would not change if the appeal is allowed. There would be a brief glimpse of a larger building, but the perception of openness would be no different to that at the settings of other large dwellings on extensive plots in 'Character Area J' as defined in the Woldingham Neighbourhood Plan, including the nearby 'Copper Beech' which is similar in size and appearance to the appeal proposal.
10. There would therefore be no wider landscape impact from the appeal scheme and I note that the officer's report observes that *'while the development would be bulkier than the existing, the development would respect the separation distances to the boundaries and not appear cramped or overdeveloped'*. I acknowledge that this comment was made as part of a character and appearance appraisal, but it is nonetheless pertinent to the effect of the proposed alterations and additions on openness.
11. The officer's report also refers to the planning history of the site as including permission ref. 2016/1148. The grounds of appeal point out that this scheme was 6% larger than the current proposal and included *'a large pool room to the rear plus the addition of three significant first floor dormers'*. The development plan policies on the Green Belt were the same as for the current proposal and Government policy in the then Framework only marginally different. Even allowing for each case to be considered on its individual merits, there would appear to be an inconsistent approach by the Council that might reasonably affect the weight to be attached to the planning judgement in the refusal of the appeal scheme.
12. On the main issue, I conclude on balance that when assessed on its merits and having regard to local and national policy in the form of Local Plan Policies DP10 & DP13 and the Framework respectively, the appeal should be allowed.
13. The Council has suggested conditions. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. An external materials condition will safeguard the appearance of the dwelling and preserve visual amenity. A condition restricting the form of first floor flank windows will protect neighbours' privacy.

Martin Andrews

INSPECTOR