



Appeal Decision

Site Visit made on 30 June 2021

by Mrs J Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 09 July 2021

Appeal Ref: APP/D3640/D/21/3270405

The Dell, 8 South Farm Lane, BAGSHOT, GU19 5NT

- 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 Arif Karimjee against the decision of Surrey Heath Borough Council.
 - The application Ref 20/0937/FFU, dated 13 October 2020, was refused by notice dated 16 December 2020.
 - The development proposed is the erection of a first-floor side and front extension, front porch and outbuilding in front garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) whether the development is inappropriate in the Green Belt;
 - b) the effect of the proposal upon the openness of the Green Belt; and
 - c) whether any harm, by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations.

Reasons

3. Paragraph 145 of the National Planning Policy Framework (the Framework) regards the construction of new buildings as inappropriate in the Green Belt. One of several exceptions is 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.
4. The Framework does not set out precisely how disproportionate should be assessed though where an extension to a building is proposed, the Framework does set out that the comparison is to the original building. The effect of this is to include all existing extensions. In this case the building has already been enlarged by two storey and single storey extensions which the Council indicate amount to a cumulative increase of more than 100% of the original dwelling. These figures have not been disputed by the appellant though the Council and the appellant differ slightly in whether the proposed extension represents a 41 square metre or a 47 square metre enlargement. Despite this difference the fact remains that the cumulative increase of the proposed extensions when compared to the original dwelling is far greater than the 30% increase the

Council consider as the general threshold above which an extension would be disproportionate.

5. The appellant argues the 30% indicative amount is not set down in the Framework or policy and considers the mathematical assessment of the increase to be a blunt tool. He points to the design impact being a more relevant factor however this is not the basis on which exceptions listed in the Framework are considered. The Framework sets out that an exception applies to the extension of an existing dwelling in the Green Belt where it does not result in a disproportionate addition. So even though the amount to be added is relatively modest, when added to the series of earlier additions the cumulative impact would be more than double the size of the original semi-detached dwelling. On this scale the development represents a disproportionate addition to the original dwelling.
6. In regard to the separate outbuilding the Council consider that, having regard to case law the proposed outbuilding should not be considered as a domestic adjunct given the distance between it and the dwelling. As an outbuilding in the enclosed front garden of the existing property I take the view that it is an ancillary domestic structure. Nevertheless, it also represents a building where none currently exists and as such, it is a new building in the Green Belt which does not fall within any of the stated exceptions in the Framework.
7. Accordingly, both elements of this proposal would be inappropriate development which, by definition, are harmful to the Green Belt, and substantial weight must be given to that harm.

Openness

8. One of the Framework objectives fundamental to the aims of protecting the Green Belt is to keep land permanently open. The essential characteristics of Green Belts are openness and permanence. Although openness is not defined in the Framework, I also consider it to mean the absence of buildings or development rather than simply its visual impact.
9. The extension and the proposed outbuilding would have only a localised impact, nonetheless, they represent incursions into an area which is characterised by dwellings in large plots and with verdant settings. The two elements of the development would have an effect on the openness of the Green Belt albeit to a small degree such that only a limited amount of harm would result.

Other considerations

10. The Framework makes clear that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
11. The appellant contends that the development would not be prominent from any public viewpoint. However, this is not a criterion in the Framework against which extensions to existing properties in the Green Belt are to be assessed.
12. The appellant has outlined a scenario where a further building could be built under permitted development rights. Given the planning history of the property I am doubtful that this could be so, but it is not the remit of this appeal to confirm or dispute such possibilities. Reference to structures in the rear garden

are theoretical alternatives. There is no substantive evidence that additional buildings would be built, or indeed that they would be permitted development. Consequently, they can be afforded little weight in the planning balance.

13. I note that a previous unimplemented approval has been referred to though I have no specific details of that scheme. On the basis of the evidence before me I am unable to establish what bearing it could have had on the enlargement of the property. In any event I note that consent referred to dates from 1998 which has long since expired. It is also before the advent of the Framework in these circumstances it does not change my findings.
14. I have taken into account that the Council take no issue with the detailed design of the extension and that there would be no impact on the residential amenity or living conditions of neighbouring properties. It is no part of the Council's case that the design or detailing of the appeal scheme extension is unacceptable, indeed the reasons for refusal are not formed with reference to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies (2012). Similarly, the proposal would not have any materially harmful impact on the character or appearance of the area. Though these factors weigh in favour of the proposal, good design is a fundamental requirement of any scheme and would not represent a significant benefit.
15. The appellant considers that the cumulative impact of the permitted development potential at the site, combined with the appellants' willingness to remove a domestic shed in the rear garden would offset some of the proposed development. He argues these factors represent the special circumstances required to support the proposal. As already alluded to I do not have any conclusive evidence before me to demonstrate that any permitted development rights could be exercised that would be more harmful than the appeal scheme and therefore attribute very limited weight to these references.
16. I sympathise with the appellants' desire to achieve additional accommodation but neither this, nor the other considerations put forward by the appellant, either singly or in combination, represent the very special circumstances required to justify it.

Other Matters

17. I have been invited to consider whether a split decision could be reached as the two parts of the proposal are distinctly separate. As I have found neither element of the proposal to be compliant with the Framework requirements this would not be justified.

Green Belt Balance

18. The Framework makes clear at paragraph 143 that inappropriate development in the Green Belt is, by definition, harmful and should not be approved except in very special circumstances. This is a high bar. I have found that there would be modest impact resulting from this proposal however when added to previous extensions have found that cumulatively they would be a disproportionate additions amounting to inappropriate development. The Framework makes it clear that such harm should be afforded substantial weight. Additionally, I have found that the proposal would also result in limited harm to the openness of the Green Belt.

19. The Framework indicates that inappropriate should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, are clearly outweighed by other considerations.
20. I have considered the matters cited in support however these would not clearly outweigh the harm that I have identified and the development would therefore conflict with the Framework. Consequently, the very special circumstances necessary to justify the development have not been demonstrated.

Conclusion

21. For the reasons given above and having regard to all matters raised, the appeal is dismissed.

Mrs J Wilson

INSPECTOR