



Appeal Decision

Site visit made on 13 July 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2021.

Appeal Ref: APP/M3645/D/21/3269409

Burstow Bridge Cottage, Church Lane, Burstow, RH6 9TG

- 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 Russell Wilson against the decision of Tandridge District Council.
 - The application Ref TA/2020/1811, dated 8 October 2020, was refused by notice dated 8 December 2020.
 - The development proposed is demolition of existing garage. Erection of side, front and rear extension in association with lower ground floor and accommodation over, single storey rear infill extension, porch to side elevation and new raised roof over. Changes to fenestration and remodelling of dwelling and rear terrace (amended description).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposed development on the decision notice is different from that in the application form. I have adopted the former as this more accurately describes the appeal proposal.
3. On 20 July 2020 the Government published a revised version of the National Planning Policy Framework (July 2021) (Framework). However, the Green Belt policies that are relevant to this appeal have not changed and there was no need, therefore, to invite the parties to make further submissions in response to the revised Framework. The paragraph numbering for the Green Belt policies has changed and I have highlighted those changes in my decision.

Main Issues

4. The main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and development plan policy;
 - (b) The effect of the proposal on the openness of the Green Belt;
 - (c) The effect of the proposal on the character and appearance of the existing site and surrounding area; and
 - (d) If the proposal is inappropriate development, 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

Inappropriate development in Green Belt

5. The appeal site comprises a single storey bungalow with pitched roof. There is also a separate single storey garage. The bungalow is set back from Church Lane within a spacious plot, with mature woodland to the north and east of the appeal site. Adjoining the appeal site to the south west is The Firs, a similar single storey bungalow with pitched roof.
6. Paragraph 149 of the revised Framework (previously paragraph 145) states that the construction of new buildings in the Green Belt is inappropriate development unless it falls within one of the exceptions listed a) to g) (inclusive). Exception c) confirms that an extension or alteration of an existing building is not inappropriate development provided "*it does not result in disproportionate additions over and above the size of the original building*".
7. A similar approach is set out in Policy DP13 of the Tandridge Local Plan Part 2: Detailed Policies (July 2014) (TLP), in that it states that the extension of buildings within the Green Belt will only be allowed where the proposal does not result in a disproportionate addition over and above the size of the original building. As such and whilst Policy DP13 predates the revised Framework, I am satisfied that, insofar as it relates to extensions, this policy is consistent with the Framework.
8. The supporting text, in paragraph 13.2 of the TLP, further states that the original building is to be taken as the building that existed at 31 December 1968 (when the policy was first introduced) or if constructed after, as it was built originally. Annex 2 to the revised Framework also confirms that 'original building', if built after the 1 July 1948, should be the building "*as it was built originally*."
9. Whilst the Appellant suggests that there is some disagreement over the extent of the original building as it stood in 1968, they do not expand on this and instead adopt the Council's approach to the original building, although they do suggest that there are some minor errors in the Council's calculations. In the circumstances, I have based my assessment on the evidence and measurements set out in the Appellants Statement and the Council's Delegated Report.
10. Paragraph 13.4 of the TLP states that, as a general rule, the Council will use the calculation of external volume as a measure of whether an extension is mathematically disproportionate. Even so, the supporting text does not expand on this further and neither does it indicate what percentage increase in volume might be regarded as being disproportionate in individual cases. This paragraph should be read in conjunction with paragraphs 13.3 – 13.4, which further state that the Council will adopt a pragmatic approach and judge each proposal on its individual merits. Also, that regard will be had to the size of the original dwelling in terms of its bulk, height and mass, and the prominence of the proposed extension(s).
11. The overall approach set out in the TLP is similar to the analysis required by paragraph 149 c) of the revised Framework (previously paragraph 145 c)),

namely whether the proposed extension is disproportionate to the “size” of the original building. The proposed increase in volume, external measurements and floorspace are all, therefore, relevant to that assessment, as is the appeal sites’ context and the prominence of the proposed extension(s).

12. Based on this and the evidence before me, and setting aside the minor differences between the parties in terms of measurements, the total increase in volume of the additions to the original building (since 1968) and the appeal proposal is well over 500% (the Council’s estimate is 529% and the Appellants 564%). Both exclude the volume of the garage, which would be demolished, albeit there is no clear evidence as to when this was constructed. Even so, I note that in calculating external volume paragraph 13.4 of the TLP states that any detached structures, within the curtilage, should be excluded.
13. In relation to floorspace, no comparisons have been provided in the submitted evidence. However, it is clear from the total increase in volume and by comparing the submitted existing and proposed floorplans, that the proposed increase in floorspace, together with that secured through previous additions, would be substantial. The same finding is reached when comparing the footprint and external measurements of the original building with that of the existing additions and the appeal proposal. Indeed, the increase, in external measurements and footprint, that arise solely from the appeal proposal are in themselves substantial, even when an allowance is made for the use of split levels. Furthermore, the increase in external measurements includes the proposal to materially raise the height of the roof to the original building.
14. Based on all these factors, the sum total of the existing and proposed extensions would represent, in my judgement, disproportionate additions to the original building. This finding is reflected by the significant increase in floorspace, volume and external measurements, compared to the original building. For these reasons, I conclude that the proposed extensions would be disproportionate to the original building and would represent inappropriate development in the Green Belt, which Paragraph 147 of the revised Framework (previously paragraph 143) states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
15. Accordingly, I find that the appeal proposal would fail to accord with Policy DP13 of the TLP and paragraph 149 c) of the revised Framework (previously paragraph 145 c)).

Openness

16. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and its essential characteristics are, therefore, its permanence and openness. The impact on openness has a spatial as well as a visual aspect. In my judgement, the size, volume, bulk and floorspace of the appeal proposal, combined with existing extensions, would fail, in visual and spatial terms, to preserve the openness of the Green Belt. The revised Framework advises at paragraph 137 (previously paragraph 133) that openness is an essential characteristic of Green Belts, and the appeal proposal would, therefore, cause harm in this regard.

Character and appearance

17. The appearance of the existing bungalow and detached garage are not of any particular architectural value or merit, and I accept there is the potential for its appearance to be improved. Even so, the appeal site is located within a semi-rural area, with a mature woodland backdrop. This part of Church Lane is sparsely developed. There is no development immediately to the east and its built context principally comprises The Firs, to the west. Both of these properties are low key, even when regard is had to the fact that the appeal property sits in an elevated position on a mound.
18. Whilst vehicular traffic, once it passes the appeal site, is unable to go further along Church Lane (due to a metal road barrier), the Appellant acknowledges that this part of the lane is well used by walkers. As I observed on my site visit, this lane forms part of a bridleway which links to other public footpaths in the surrounding area. As a consequence, the appeal site is visible from a number of public vantage points.
19. Within the above context, the appeal proposal would not, in my judgement, be complimentary or subservient to the character and scale of the existing bungalow. As is mentioned in the submitted evidence, the appeal proposal would result in the complete remodelling of the existing dwelling, resulting in a development whose design, footprint, massing and built form would be significantly different and substantially larger to that of the existing dwelling and the adjoining property.
20. As a consequence, the dwelling, as proposed to be extended and remodelled, would visually be more prominent and would dominate the semi-rural character and appearance of this part of Church Lane. This would contrast with the low key scale and style of the existing bungalow and adjoining property.
21. Accordingly, I find that the appeal proposal would result in harm to the character and appearance of existing site and surrounding area contrary to Policy CSP 18 of the Tandridge District Core Strategy (October 2008) and Policy DP7 of the TLP. Combined, these seek to ensure, amongst other requirements, that the design of new development reflects the character, setting and local context, is in keeping and integrates well with its surroundings, secures a complimentary building design and respects and contributes to local distinctiveness.
22. The Council's reason for refusal also refers to Policy DP1 of the TLP. However, as this relates to sustainable development and the presumption in favour of development, it is not, in my view, directly relevant to this issue.

Other Considerations

23. The appellant has highlighted two other considerations. Firstly, the benefit of remodelling and improving the appearance of the existing bungalow and removing the poor quality garage. Whilst I accept that there is room to improve the appearance of the existing bungalow and garage, as I have found above, the appeal proposal would result in harm to the character and appearance of the site and surrounding area. Moreover, the policies of the Framework and development plan require all new development to be of a high quality and to, where possible, secure improvements to existing built form.

These are simply standard development control requirements that would be sought from any new development.

24. Secondly, a fallback position involving the use of permitted development rights to extend the existing dwelling and for new outbuildings has been highlighted. The evidence submitted by the Appellant in relation to this fallback is limited. Whilst a site layout plan has been provided showing the “likely” options that could come forward, there are no detailed proposals before me to enable a comparison to be made with the appeal proposal.
25. Whilst the Appellant refers to the potential to extend the existing dwelling and build outbuildings under permitted development, there is no evidence, in the form of a Certificate of Lawful Development to demonstrate that such works would be permitted development and thus lawful. Even so, it is not for me to determine, within the context of an appeal that has been made under section 78 of the Town and Country Planning Act, whether alternative development proposals would constitute permitted development. I can only consider the proposal that is before me. Furthermore, those permitted development rights that relate to the provision of additional storeys are subject to a Prior Approval process. There is no evidence before me of any such application having been submitted to the Council or any indication as to how the Council would respond to such an application.
26. The Appellant also refers to these permitted development options as a “*theoretical fallback position*”. However, to be accorded any weight, there must be a real prospect of a fallback position being implemented, i.e. there must be a greater than theoretical possibility that the fallback would take place. In this particular case, there is no detailed information on the nature and context of any alternative proposal that is sufficient for me to make a comparison with the appeal proposal. There is no detailed scheme before me or any evidence to demonstrate that any of the permitted development options would be lawful or that Prior Approval would be forthcoming, as well as no evidence of the likelihood of these alternative proposals being carried out.
27. Given the above, neither consideration can, in my view, be accorded any weight.

Overall Balance and Conclusion

28. The appeal proposal, when taken together with existing extensions to the original building, constitutes inappropriate development in the Green Belt and would reduce the openness in this location. The revised Framework states that substantial weight should be given to any harm to the Green Belt. I find that the other considerations in this case do not outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development would be contrary to Policies DP10 and DP13 of the TLP and with the policies in the revised Framework relating to Green Belts.
29. For the reasons given above and having taken all the matters raised into account I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR