



Appeal Decision

Site Visit made on 14 September 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2021

Appeal Ref: APP/M3645/D/21/3268343

Briars Corner, Chapel Road, Limpsfield RH8 0SX

- 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 Malcolm Lowe against the decision of Tandridge District Council.
 - The application Ref TA/2020/1669, dated 18 September 2020, was refused by notice dated 13 November 2020.
 - The development proposed is "Removal of existing low pitch Pantile roof above existing garage and replacement with full height twin pitched Gambrel roof extending above proposed adjacent car port with Solar panels to the upper south west facing slope. Room over being accessed by new external staircase to the rear".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Different descriptions of the proposed development have been provided within the appellant's application form and the Council's decision notice. Within their appeal form, the appellant has provided what they consider to be a more appropriate description, which aligns with the Council's description, but is in a more detailed form. I have therefore referred to the appellant's more detailed description of the development proposed from the appeal form in the banner heading above.

Main Issues

3. The main issues are: (i) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework¹ and any relevant development plan policies; (ii) the effect of the proposal on the openness of the Green Belt; (iii) the effect of the proposal on the character and appearance of the area; and (iv) if the proposal would constitute 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 proposal.

Reasons

4. The appeal site comprises a dwelling forming part of an historic manor house which has been converted into a number of residential units, with a private garden and outbuilding to the side and a double garage with workshop and loggia at the end of a shared drive. It is proposed to extend the existing

¹ The National Planning Policy Framework (2021)

double garage upwards and to the north by replacing the existing pitched roof with a higher gambrel roof with three shed-dormers on each of the east and west elevations, and an open sided car port on the north elevation. Photovoltaic cells are also proposed on the west elevation.

Whether Inappropriate Development

5. Paragraph 147 of the Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is reflected in Policy DP10 of the Council's Local Plan². Paragraph 149 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions include: "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". Policy DP13 of the Council's Local Plan is consistent with the Framework in this regard.
6. The 'original building' is the garage as it was originally erected, which based on the information before me was a flat roofed building constructed in 1978³. The appellant has referred to the dimensions of the original building they erected as 5.87m x 6.75m x 2.5m, resulting in a floor area of 39.62 square metres and a volume of 99 cubic metres. The Council has referred to the original volume of the garage as being approximately 248 cubic metres, but they have not provided a breakdown of their calculations, and they have erroneously presented this calculation as the volume of the original dwelling. Based on the information presented I consider the appellant's calculations of the original building's floor area and volume to be more reliable.
7. A low-pitched roof and ground floor rear extensions forming a workshop and loggia have since been added to the original building, with planning permission granted in 1986 ('the 1986 permission'⁴) for a taller pitched roof extension which was not completed. Both main parties have presented similar calculations of the volume of the proposed extensions to the garage, which amount to approximately 193 cubic metres. This figure does not appear to take the garage's existing ground floor rear extensions (the workshop and loggia) into account, which are shown to be retained on the proposed plans.
8. I note references to the volume of the dwelling and its extensions, and the size of the former manor house as a whole. However, these are not relevant for the purposes of ascertaining whether the proposal would result in disproportionate additions to the original building of the detached garage.
9. Even in the absence of any calculations relating to the rear ground floor extensions of the garage, the proposal would result in a disproportionate addition over and above the size of the original building and would not meet any of the exceptions referred to by Paragraph 149 or Policy DP13. I therefore conclude that the proposal would be inappropriate development in the Green Belt.

² Tandridge Local Plan Part 2: Detailed Policies 2014 – 2029 (2014)

³ Planning Permission 78/1239

⁴ Planning permission 86/1031

Openness

10. Paragraph 137 of the Framework states: "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". Paragraph 138 then identifies five purposes Green Belts serve, including, amongst other things, to assist in safeguarding the countryside from encroachment. Openness is therefore an essential characteristic of the Green Belt, which has spatial and visual aspects.
11. The existing garage is seen in views from the front of the Briars Court complex and part of its roof can be seen from Kent Hatch Road above the laurel hedge marking the eastern boundary of the appeal site. The proposal would be seen as part of the Briars Court complex and would appear as a significant addition to the existing collection of buildings both within and outside the complex. Although the former manor house is substantial in size itself, the existing garage appears as a modestly sized ancillary outbuilding, whereas the proposed extension would increase the density of built form within the complex. The proposed increase in mass above ground floor level and increase in floor area would therefore reduce the openness of the Green Belt visually and spatially.

Character and Appearance

12. The appeal site and its surroundings are characterised by large, detached houses of various styles set within spacious, secluded plots in a rural setting. I did not see any examples of gambrel roofed buildings in the immediate vicinity of the appeal site. However, positioned alongside the grand former manor house, the proposal's style, materials, and appearance would be appropriate for its location and sympathetic to the aesthetic qualities of the former manor house.
13. The appeal site is at a lower level than Kent Hatch Road to the east. Views of the proposal from that direction would be somewhat restricted due to the difference in levels and presence of the laurel hedge along the appeal site's boundary. The proposal would remain visible from Kent Hatch Road, and would be seen in full within the Briars Court complex, where it would appear as a substantial outbuilding. However, it would be of appropriate scale for this location, subservient to the large former manor house, and would not dominate views of the dwelling. It would not be visible in views from Chapel Road due to the distances involved and the intervening thick planting.
14. The proposal would not, therefore, harm the character or appearance of the area and would accord with Policy DP7 of the Council's Local Plan and Policy CSP18 of the Council's Core Strategy⁵. These require, amongst other things, new development to integrate effectively with its surroundings, using materials and designs which complement local building types, and to respect local character, setting and context.

Other Considerations

15. The appellant has claimed the 1986 permission was implemented, but not completed, because this consent related to the extension of the dwelling and the extension of the garage. It is claimed that the extension to the dwelling

⁵ Tandridge District Core Strategy (2008)

was commenced in accordance with condition 1 of the permission, but the extension to the garage was not carried out; instead, an alternative, lower pitched roof was added to the garage. It would be a matter for the appellant to demonstrate the extension to the garage authorised by the 1986 permission could be lawfully carried out, but I am not aware of any clear evidence showing this is the case, such as a certificate of lawfulness. In any event, the information presented shows the proposal would result in an extension to the garage of a significantly larger size than that authorised by the 1986 permission. Therefore, the question of whether or not the extension of the garage authorised by the 1986 permission remains capable of being lawfully carried out does not affect my reasoning set out above. The 1986 permission does not justify the proposal.

16. The proposal would include photovoltaic cells which would provide a sustainable form of electricity to the garage and dwelling. Paragraph 151 of the Framework explains that the very special circumstances referred to by Paragraph 147 may include the wider environmental benefits associated with increased production of energy from renewable sources, but this is in relation to elements of renewable energy projects. In this case, the proposal does not form part of a wider renewable energy project and the environmental benefits proposed would be modest, and as such I would assign them minimal weight.
17. I note references to development at a number of neighbouring sites, the full details of which have not been presented. However, it is appropriate for each case to be assessed on its individual merits, and thereby direct parallels are not easily drawn. The descriptions provided of those neighbouring developments do not weigh significantly in favour of the proposal against the harm identified.

Conclusion

18. The proposal would constitute inappropriate development in the Green Belt and would harm its openness. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. In this particular instance I have identified modest environmental benefits and a lack of harm to the character and appearance of the area. That lack of harm is not, however, a benefit weighing in favour of the proposal. The very special circumstances necessary to justify the proposal do not exist. The proposal would be contrary to the Framework and to Policies DP10 and DP13 of the Council's Local Plan which seek to protect the Green Belt.
19. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

L Douglas

INSPECTOR