



Appeal Decision

Site visit made on 2 September 2021

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/M3645/D/21/3274395

7 Tally Road, Limpsfield, Oxted, RH8 0TG

- 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 R McCann against the decision of Tandridge District Council.
 - The application Ref TA/2020/2286, dated 23 December 2020, was refused by notice dated 14 April 2021.
 - The development proposed is described as a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- 1) Whether the proposal amounts to inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework 2021 (Framework) and development plan policy.
- 2) If the proposal amounts to inappropriate development in the Green Belt, the effect of the proposal on the openness of the Green Belt.
- 3) the effect of the proposal on the living conditions of the occupiers of 6 Tally Road (No.6), with particular regard to overshadowing and visual impact.
- 4) If the proposal amounts to inappropriate development, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, including any public benefits, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal amounts to inappropriate development in the Green Belt for the purposes of the Framework and development plan policy.

3. Paragraphs 147 and 148 of the Framework and Policy DP10 of the Tandridge Local Plan Part 2: Detailed policies (LP), state that within the Green Belt inappropriate development should not be approved except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be given to any harm to the Green Belt. Policy TLP03 of the Tandridge Our Local Plan 2033 2019 (Regulation 22

- submission) is consistent with this, although as an emerging Local Plan it is given limited weight.
4. Paragraph 149/149c) of the Framework and LP Policy DP13 state that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, other than various stated exceptions. This includes the extension or alteration of an existing building, provided that any proposal does not result in disproportionate additions over and above the size of the original building.
 5. The supporting text to LP Policy DP13 advises that in assessing whether an extension is disproportionate in size account will be taken of the size of the original building together with the bulk, height, mass and prominence of the proposed extension. The original dwelling is defined as the dwelling as it existed in 1968. Whilst not stated in the LP, the Council has advised that, as a guide, proposals resulting in up to 40m³ of additional external mass are likely to be supported subject to visual assessment.
 6. The Council has stated that the proposed extension would result in a 39% increase in volume. That the proposed extension would be single story and would only project into the rear garden as far as the existing rear projections. As a consequence, the proposal would not appear visually disproportionate in size.
 7. However, since that decision was made work has commenced on a loft conversion at the appeal dwelling. As required by paragraph 149c of the Framework it is necessary to assess whether the appeal scheme would result in disproportionate additions over and above the size of the original building. This requirement relates to the resultant building and does not distinguish between types of additions and whether or not they required planning permission.
 8. The Council and the appellant do not agree on the percentage increase in volume of the existing dwelling when taking into account the appeal proposal and the loft conversion currently being constructed. The Council state that it would result in a 46% increase and the appellant states that the increase would be 42%. Both calculations are above the Council's informal guideline. However, this is not the end of the matter because factors including, bulk, height and prominence are similarly relevant.
 9. The proposed rear extension would be deeper than the existing rear projecting wing and would be almost as wide as the original dwelling. However, part of the proposed extension would replace the existing projecting rear wing and shallow single storey projection. As a consequence, in itself, the appeal proposal would not amount to disproportionate addition over and above the size of the original dwelling. Due to its width, height and depth the proposed dormer extension would materially increase the bulk and size of the roof of the dwelling. Despite this, it would not result in a disproportionate increase in the size of the dwelling as a whole, having regard to both the external bulk and additional internal floor area associated with the loft conversion.
 10. Taken together I similarly find that the proposed rear extension and loft conversion would not amount to a disproportionate addition to the size of the existing dwelling. In reaching this conclusion I have taken into account the

associated loss of parts of the existing single storey rear accommodation. Also, that whilst the loft conversion would increase the habitable floor area of the dwelling, a significant part of the loft conversion would be accommodated within the existing structure.

11. I conclude on the first main issue that the proposal would not amount to inappropriate development in the Green Belt and would accord with paragraphs 147 to 149 of the Framework and with LP Policies DP10 & DP13. Accordingly, the scheme should not be regarded as harmful to the openness of the Green Belt, the fundamental aim or the purposes of including land in the Green Belt. There is no need to consider Green Belt policy further under main issues b) and d).

Living conditions

12. The Appeal property is located within a terrace of four dwellings with long and narrow rear gardens. The rear garden of the appeal property widens a short distance to the rear of the dwelling, where it projects in front of the adjacent living room window at No.6. The hedge along this part of the boundary is tall, dense and dominates the outlook from the living room window at No.6. This hedge does not project in front of the kitchen/dining windows at No.6, although it does have an enclosing impact on the outlook from them and the adjacent sitting out areas.
13. The rear gardens to the appeal property and No.6 slope down to the rear and the main patio and sitting out areas at No.6 are located between the rear kitchen/dining room windows and outbuilding at No.6 and the boundary with the appeal property. Part of the boundary hedge between the two properties at this point is lower and provides a sense of increased openness within the garden and in the outlook from the dining and kitchen area at No.6.
14. LP Policy DP7 and Policy CSP18 of the Tandridge District Core Strategy (2008) (CS), state that new development should not significantly harm the living conditions of the occupiers of neighbouring properties. Policy LNP3 of the Limpsfield Neighbourhood Plan 2019 (NP), similarly seeks to protect the living conditions of existing residents.
15. The proposed extension would be set in slightly from the party wall with No.6 and where it faces that property the proposed rear extension would project approximately seven metres beyond the rear wall of the dwelling at No.6. The proposed extension would have a predominantly flat crown roof with a 40° pitch, an eaves height of approximately 2.5 metres and a ridge height of some 3.6 metres.
16. Due to its combined depth, height and proximity to the rear windows and sitting out areas at No.6, the proposed extension would have an enclosing and visually overbearing impact on the outlook from the rear facing ground floor windows and sitting out areas at No.6. Having regard to the siting of the extension to the northeast of the living room and east of the sitting out area at No.6, together with the distance between the proposed extension and No.6, any loss of sunlight within the living room and sitting out areas at No.6 would be limited. Notwithstanding this, it would exacerbate the visually overbearing impact of the proposed extension.

17. I acknowledge that the occupiers of No.6 have commented that having agreed the construction of a wall with the appellant, they raise no objections to the proposal. Notwithstanding this, for the reasons set out above, the proposed extension would be visually overbearing for both the current and future occupiers of No.6. It would have a significant harmful impact on their living conditions and this is not a matter that could be satisfactorily addressed through the imposition of conditions.
18. I note that planning permission has already been granted for a single storey rear extension, which is taller than the proposed extension, where it abuts the host dwelling. However, the approved rear extension is not as deep and its roof falls away to a height lower than that of the appeal scheme. As a consequence, its impact on the living conditions of the occupiers of No.6 would not be significant.
19. Finally, I have taken into consideration the benefits for the appellant and their family that would result from the additional accommodation. In this instance such benefits would clearly fail to outweigh the harm that would be caused to the living conditions of the occupiers of No.6.
20. I conclude on the third main issue that the proposal would unacceptably harm the living conditions of the occupiers of No.6, due to its overbearing visual impact and any associated overshadowing. It would conflict with LP Policy DP7, CS Policy CSP18 and NP Policy LNP3.

Conclusion

21. Whilst I have found in favour of the appellant in relation to Green Belt policy my conclusion on the third main issue amounts to a compelling reason for dismissing this appeal.

Elizabeth Lawrence

INSPECTOR