



Appeal Decision

Site Visit made on 25 October 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2021

Appeal Ref: APP/P5870/D/21/3269563

196 Banstead Road, Banstead, SM7 1QG

- 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 & Mrs Defreitas against the decision of London Borough of Sutton.
 - The application Ref DM2020/01508, dated 25 September 2020, was refused by notice dated 1 December 2020.
 - The development proposed is demolition of existing garage and erection of a part one, part two storey side, rear and front extension and formation of front entrance porch.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issues

3. The main issues raised by this appeal are: -
 - a) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and development plan policy and the effect of the proposal on the openness of the Green Belt;
 - b) The effect of the proposal on the character and appearance of the area;
 - c) The effect of the proposal on the living conditions of existing neighbouring occupiers at 198 Banstead Road; and
 - d) Whether harm by reason of inappropriateness would be clearly outweighed by other considerations. If so, would those amount to the very special circumstances required to justify the proposal?

Reasons

Green Belt

4. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts being their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. The Framework states that the local planning authority should regard construction of new buildings as inappropriate development in the Green Belt unless it is one of seven specified exceptions (paragraph 149 of the Framework). One of the exceptions is 'the extension or alteration of the building provided that it does not result in disproportional additions over and above the size of the original building'.
6. Policy 24 part e of the Sutton Local Plan 2018 (the Local Plan) allows for the grant of planning permission for extensions to, alterations to and the replacement of an existing building or structure in the Green Belt provided that the increase in the external volume of the built form is not greater than 30% above the size of the original building or structure.
7. The Council has undertaken a mathematical exercise which indicates that the proposed extension would add approximately 497.7 cubic metres to the size of the original property, and this would equate to a 79% increase in size of the volume of the original house. This would result in a significant increase in volume over and above the size of the original property. As a result, the proposal would be a disproportionate addition to this property.
8. In not complying with the exceptions, the proposal would be inappropriate development in the Green Belt, which paragraph 149 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I also find that the proposal does not comply with Policy 24 part e of the Local Plan.
9. Paragraph 137 of the Framework indicates that openness is one of the essential characterises of Green Belts. The proposal would result in the increase in the size of the dwelling and this would reduce openness by virtue of creating increased built development in the Green Belt. As a result, this would have a negative effect on the openness of the Green Belt. For this reason, there would be a degree of harm arising from this development, in addition to that arising from the inappropriate nature of the development.
10. Consequently, I find that the proposal does not comply with paragraph 137 of the Framework as it would not preserve the openness of the Green Belt.
11. The fact that the location of the site forms part of a group of built form and the open and spacious nature of the associated curtilage of the host dwelling would not be impacted by the proposed development does not obviate the application of development plan policy or those Green Belt aims set out within the Framework or justify the proposed development.

Character and appearance

12. The proposal would create a large extension to the side of the property substantially reducing the gap at first floor between the existing dwelling and that of the neighbouring property at 198 Banstead Road.
13. The extension would appear as an excessively large addition to the existing dwelling and create a development of bulky appearance. It would appear as a dominant addition to the host property and would not respect its proportions, character or appearance. Given that the proposal represents a 79% increase in size of the dwelling, I do not agree with the appellants that the proposal would be a subordinate addition to the host property.

14. I saw that gaps between properties at first floor form part of the rhythm to this part of the street scene. Substantially reducing the gap at first floor between the existing dwelling and 198 Banstead Road would reduce visual openness between these properties and this would be harmful to the existing character and appearance of the Banstead Road street scene.
15. The use of matching materials and joinery, as well as retaining existing landscaping and boundary features, would not mitigate the harm arising from the proposed development or overcome the visual harm in either short or long views of the site.
16. For the above reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. Policy 28 of the Local Plan and SPD 4 'Design of Residential Extension' seek, amongst other matters, new development, including alterations and extensions, to respect local context, respond to local character, to be of a suitable scale, massing and height to the setting of the site and to make a positive contribution to the street scene.

Living conditions

17. The proposal would create a substantial first floor addition to the side of the dwelling with two storey projection to the rear adjacent to 198 Banstead Road. This extension would be clearly visible in close proximity in the outlook from the first-floor side windows of No 198 and from the outdoor living environment, most notably the rear garden. I acknowledge that there would be some separation between the respective developments and the roof of the proposed extension would be pitched by design. Furthermore, the extension would not be taller than that of the host dwelling. Nonetheless, given the overall large size of the extension and close proximity to No 198, the occupiers of No 198 would experience a loss of outlook and substantial sense of enclosure that would be harmful to the living environment those residents should reasonably expect to enjoy.
18. For the above reasons, I conclude that the proposed development would be harmful to the living conditions of the adjoining occupiers of 198 Banstead Road. The proposal would, therefore, conflict with Policy 29 of the Local Plan and SPD 4 'Design of Residential Extension' that seek, amongst other matters, development not to adversely affect the amenities of those currently occupying adjoining or nearby properties.

Other Considerations

19. I have been referred to the objectives at paragraph 8 of the Framework. However, paragraph 9 of the Framework explains that the three objectives of sustainable development are not criteria against which every decision should be judged. This does not offer weight in support of the proposal.
20. It is suggested that the proposal offers an opportunity to enhance the soft landscape elements of the locality however, it is not explained how this could be achieved and/or what this might entail. The appellants indicate a willingness to accept a planning condition that would require a landscape scheme. I do not consider such a condition to be reasonable as I have no substantive evidence before me that would lead me to consider that a suitable

landscaping scheme could be achieved that would overcome the harm that I have identified. These matters hold no weight in support of the proposal.

21. The proposal makes distinction between private and public space and would not obscure local views or vistas. However, these matters do not overcome the harm that I have identified above or justify the proposed development. Therefore, they hold no weight in support of the proposal.

Conclusion

22. In conclusion, I have identified that the development would be inappropriate development in the Green Belt as defined by the Framework. This brings the proposal into conflict with Policy 24 of the Local Plan. Furthermore, the proposal would not preserve the openness of the Green Belt as required by the Framework. In addition, the proposal would conflict with Policies 28 and 29 of the Local Plan as the development would have a harmful effect on the character and appearance of the area and the living conditions of existing adjoining occupiers at 198 Banstead Road. The other considerations hold no weight in favour of the proposal. I have found that the other considerations advanced in support of the proposal in this case do not clearly outweigh the harm that I have identified which is the test they have to meet. The proposed development would, by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight.
23. Having regard to all matters raised, I conclude that there are no considerations sufficient to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. I have had regard to the 'Wednesbury Principles', as highlighted by the appellants, in reaching my conclusions. The proposed development conflicts with the development plan and the advice of the Framework. For the reasons given, I conclude that the appeal should fail.

Nicola Davies

INSPECTOR