



Appeal Decisions

Site Visit made on 29 November 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2021

Appeal A Ref: APP/A3655/D/21/3275844

Deep Pool Farm, Deep Pool Lane, Chobham, WOKING GU24 8AS

- 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 Simon Howard against the decision of Woking Borough Council.
 - The application Ref PLAN/2021/0170, dated 10 February 2021, was refused by notice dated 27 April 2021.
 - The development proposed is the erection of a single-storey rear in-fill extension.
-

Appeal B Ref: APP/A3655/D/21/3276159

Deep Pool Farm, Deep Pool Lane, Chobham, WOKING GU24 8AS

- 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 Simon Howard against the decision of Woking Borough Council.
 - The application Ref PLAN/2021/0323, dated 18 March 2021, was refused by notice dated 20 May 2021.
 - The development proposed is the erection of a two-storey side extension.
-

Decision

1. Both Appeals A and B are dismissed.

Applications for costs

2. An application for an award of costs has been made by Mr S Howard against Woking Borough Council with respect to appeal A. This application is the subject of a separate decision.
3. An application for an award of costs has also been made by Woking Borough Council against Mr S Howard. This application is also the subject of a separate decision.

Preliminary Matters

4. The appeal site has been the subject of a series of applications for Certificates of Proposed Lawful Development and for planning permission. These have enabled the erection of two storey and single-storey rear extensions¹ and a detached garage². An infill extension has also gained planning permission³ and has been erected. This connects the two-storey Permitted Development (PD) extension to an original return.

¹ Certificate of Proposed Lawful Development: PLAN/2020/0280

² Certificate of Proposed Lawful Development: PLAN/2020/0039

³ Planning Application Reference: PLAN/2020/0641

5. A further Lawful Development Certificate⁴ has been issued that relates to a swimming pool enclosure, gym and studio with study. These curtilage buildings have not been constructed and the site of the gym has now been occupied by the double garage. The proposal in connection with appeal B would replace the proposed site of the studio and study.
6. The Council's planning history also indicates that the dwelling was granted permission to be extended in 1948 and 1959.

Main Issues

7. The main issues, with respect to both appeals A and B, are
 - whether each proposed extension would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (The Framework) and any relevant development plan policies;
 - the effect of each proposed extension on the openness of the Green Belt; and
 - if either or both proposals would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify one or both.

Reasons

Inappropriate development

8. The site is within the Metropolitan Green Belt. Policy CS6 of the Woking Core Strategy (2012) (CS) aims to protect the Green Belt from inappropriate development in accordance with the policy guidance of the Framework. This is further reinforced by policy DM13 of the Woking Development Management Policies – Development Plan Document (2016). This policy requires extensions and alterations to buildings within the Green Belt to not be disproportionate additions to the original building. The commentary provided in support of this policy identifies that 'disproportionate' will be judged on its individual merits. However, it also indicates that the Council's general approach would find extensions representing an increase of between 20-40% would be proportionate to the original dwelling.
9. Paragraph 137 of the Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. Paragraph 149 establishes that a building would be inappropriate unless it would meet a listed exception. Exception (c) allows for "the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building".
10. The original dwelling has been extended by both historical and more recent extensions. These have substantially increased its volume and footprint. The Council's figures suggest that the volume of the original dwelling has been increased by around 126% taking into account all extensions added to the dwelling. This figure is uncontested by the appellant.

⁴ Certificate of Proposed Lawful Development: PLAN/2018/0949

11. The proposed infill extension, with respect to appeal A, would increase the volume of the dwelling from its original volume by around 4%, which in itself would be a comparatively small addition. However, the volume of the existing dwelling is already well in excess of the 40% threshold advanced by the Council. It would also be clearly visible from wider views within the surrounding open countryside. It is evident that the proposal, in combination with previous additions to the dwelling, would be a disproportionate extension to the original dwelling.
12. The proposed two-storey side extension, associated with appeal B, would extend the volume of the original dwelling from around 126% to about 171%. The proposal would be a large addition to an already sizeable building, albeit within a large plot. The site's context is an open and exposed location and therefore the size of the plot and existing dwelling does not mitigate the effect of the proposal on the Green Belt. Due to the prominence of the proposed development and its associated volume increase, the proposal would be a disproportionate addition to the original dwelling.
13. As it has not been demonstrated that either proposal would meet any of the exceptions listed in Paragraph 149 of the Framework, both proposed extensions would amount to inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

Effect on openness

14. The openness of the Green Belt has both spatial and visual dimensions. The dwelling stands within a large plot at the end of a single-track road. The site has limited plant screening to its boundaries. A post and rail fence mark most boundaries of the plot with a wall and hedging along part of the boundary adjacent to the stables. The surrounding land is generally flat and level. As a result, distant views of the open countryside are evident in most directions, especially in views looking west, with the dwelling being located in an open and exposed location. A number of public footpaths run close to the front of the site, increasing views of the dwelling despite its discrete location.
15. The proposal associated with appeal A would be to the side of the PD single-storey extension and behind the PD garage. As such, it would only be visible from the frontage when glimpsed between the garage and existing rear extension. Views of this from the rear would be partially exposed due to the open nature of views from the west. Spatially, the proposal would have a relatively small footprint and would be single-storey in character. For these reasons, the proposal would have a moderate impact on the openness of the Green Belt.
16. The proposed two-storey side extension, associated with appeal B, would extend the building towards open views from the west. The proposal would be a substantial extension in an exposed location. It would be highly visible from the countryside and the front access track. Accordingly, this would demonstrably erode the open character of the area. It would therefore have a significant adverse impact both visually and spatially on the openness of the Green Belt.

Other considerations

17. It is recognised that the previous in-fill extension was approved under very special circumstances as the Council considered it to be discrete and infilled a gap between two rear elements of the dwelling. In contrast, the proposed infill associated with appeal A, is not as discrete and would be exposed to its rear and side. It would therefore have a greater impact on the openness of the Green Belt. Furthermore, whilst the design of the infill would complement the existing dwelling, it would not be required to 'complete' its appearance.
18. The proposal associated with appeal B would replace the PD studio and study. There is no compelling evidence that the studio and study would not be built if the proposal was declined. Therefore, whilst it is recognised that the functions associated with the proposal are different to those listed within the PD outbuilding, it nonetheless represents a realistic fallback position.
19. The outbuilding would have a substantially greater footprint than the proposed extension. However, it would be slightly set away from the dwelling, presenting a single-storey profile with a limited impact on wider views into and through the site. As such, the overall effect of the outbuilding, to the openness of the Green Belt, would not be worse than the proposal. Consequently, the proposed extension, related to appeal B, would have a greater impact on the openness of the Green Belt than the fallback position.
20. The appellant states that the proposals represent a consolidation of buildings into a pattern of development that would have a reduced impact on the Green Belt. However, there is no legal mechanism offered to prevent the swimming pool enclosure or other PD development being implemented in the future. As such I afford this offered off-set limited weight. Furthermore, in any event, such development would be unlikely to have as great an effect on the Green Belt as the proposed two-storey extension of appeal B. Nevertheless, this point garners some limited support for the infill proposal subject to appeal A.
21. An allowed appeal⁵ is in evidence for a two-storey side extension that resulted in a 62% increase to the volume of the original dwelling. Very special circumstances were found where alternative PD development would result in significant encroachment and intrusion, having a greater effect on the Green Belt, than the proposal. A different case has been found here where the harm to the Green Belt, conveyed by the proposals of both appeal A and B, would be substantially greater than the PD development largely due to the extent of existing additions applied to the dwelling.

Whether there would be Very Special Circumstances with respect to Appeal A

22. Paragraphs 147 and 148 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.

⁵ Planning Appeal Decision: APP/U1240/D/18/3216544

23. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I found that the proposal would convey some but limited harm to the openness of the Green Belt. On the other hand, the other considerations I have identified including the small and discrete nature of the proposal, and potential greater effect of PD development, are of limited weight in favour of the scheme. When calibrating harm, the Framework requires substantial weight to be afforded to any harm found. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified.
24. Therefore, the very special circumstances necessary to justify the development in association with appeal A do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Whether there would be Very Special Circumstances with respect to Appeal B

25. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the proposal would result in moderate harm to the openness of the Green Belt. In contrast, the other considerations I have identified including the replacement of a PD outbuilding, are of limited weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified.
26. Therefore, the very special circumstances necessary to justify the development in association with appeal B do not exist. Accordingly, proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Conclusion

27. The proposed extensions, subject to appeals A and B, would not accord with the development plan or national policy and there are no other material considerations which outweigh this finding. Accordingly, for the reasons given, the appeals should not succeed.

B Plenty

INSPECTOR