



Appeal Decision

Site visit made on 1 February 2022 by Emma Grierson BSc (Hons) MSc MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2022

Appeal Ref: APP/M3645/D/21/3284731

Avening, 66 Salmons Lane, Whyteleafe CR3 0AN

- 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 Gittins against the decision of Tandridge District Council.
 - The application Ref TA/2021/1051, dated 3 June 2021, was refused by notice dated 5 August 2021.
 - The development proposed is the demolition of existing conservatory and roof section and erection of first floor extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - The effect on the openness of the Green Belt; and
 - Would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether it is inappropriate development

4. The appeal site, containing a two-storey detached dwelling within a large and well landscaped site, is located within the Green Belt. The proposed development includes the demolition of an existing conservatory and a section of the existing roof along with the construction of a first-floor extension over an existing single storey part of the property.
5. Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions.

These 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 Tandridge Local Plan Part 2: Detailed Policies (2014) is similarly worded and generally consistent with the Framework's approach.

6. There is no definition of disproportionate development within the Framework, but the Council have indicated that, as a guide, a 40% increase in the volume of a building would be supported subject to a visual assessment. The Council have indicated that the proposal, along with previous extensions to the original building, would result in an increase in volume of 71.1%, whereas the appellant contends that this would only be an increase of 57%. However, in neither case has detailed supporting evidence to demonstrate the methodology of calculation of these numerical values been provided, sufficient to allow a definitive conclusion to be reached. Nevertheless, and being mindful that such numerical calculations are not explicitly supported within Policy DP13 or within the Framework, I have assessed the impact of the proposal on its own individual merits in accordance with the approach advocated in the reasoned justification to the Policy.
7. The appellant has highlighted other developments which have been granted planning permission in the Green Belt, and although they are not within close proximity to the appeal site, they are located within the same District and therefore fall under the same planning policies. Whilst these developments may have a larger volumetric increase to the original buildings than the proposal before me, factors such as size of the original building, bulk, height, mass and prominence of the extension may be different. Therefore, I do not regard these previous developments as expressly defining what would or would not constitute disproportionate development.
8. The roof of the existing single storey section currently has a high pitch. However, the two-storey height and considerable width and depth of the proposed first floor extension would increase the bulk and massing of this part of the building by a substantial amount. This proposed extension along with existing extensions to the dwelling, discounting the existing conservatory, would result in a significantly larger dwelling than the original building. Therefore, it is considered that the previous extensions and the proposed first floor extension would cumulatively result in a dwelling which is disproportionate in size compared to the original building. It would therefore not fall under the exception in paragraph 149 of the Framework, relating to the extension or alteration of a building, and would be inappropriate development within the Green Belt.
9. Therefore, the proposed inappropriate development would be harmful to the Green Belt which, in accordance with paragraph 148 of the Framework, should be given substantial weight.

Openness

10. Due to the location of the dwelling, a significant distance from the road, the proposal would have limited visibility from the public realm and therefore limited visual impact on the openness of the Green Belt. However, the proposed development would create an extended dwelling which would be substantially larger than the existing building. Although it would sit within the footprint of the current building and the surrounding site is spacious in nature,

the proposal would nevertheless have a significant spatial impact on the openness of the Green Belt due to the increase in its volume and bulk. Therefore, there would be a spatial impact to the openness of the Green Belt from the proposed first floor extension, in that it would be reduced.

11. Substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.

Other Considerations

12. The appellant states that the proposal would not impact the living conditions of the occupiers of neighbouring properties or the character and appearance of the surrounding area, and I note that the Council agrees with these findings. I find no reason to disagree with this conclusion, but the lack of harm in this respect would only be a neutral factor in my consideration of the case.
13. The Council and the appellant also agree that the proposed development would have no impact on the character and appearance of the host dwelling or the surrounding area. Nevertheless, this would also be a neutral factor which would not outweigh the harm found.

Conclusion and Recommendation

14. I find that there are no other considerations which have been drawn to my attention in this case to clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with general aims of policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies (2014) which seek to protect the Green Belt, along with the Green Belt objectives of the Framework.
15. For the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole, and I recommend that the appeal be dismissed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR