



Appeal Decision

Site visit made on 21 December 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2022

Appeal Ref: APP/C3620/D/21/3275250

Redlands House, 62 The Street, Capel, Surrey RH5 5LA

- 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 J Kerr against the decision of Mole Valley District Council.
 - The application Ref MO/2021/0238/PLAH, dated 9 February 2021, was refused by notice dated 7 May 2021.
 - The development proposed is a single storey extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. It does not raise any new considerations in relation to this appeal.
3. The host dwelling is located outside of the Green Belt, but the proposed extension would be within it. The appellant considers that this should be sufficient to negate the application of Green Belt policies. However, the Framework sets clear requirements and exceptions when considering development within the Green Belt. Accordingly, it is appropriate to have regard to the proposal in the light of both the Framework and the Local Plan's Green Belt policies.

Main Issues

4. The main issues are:
 - a) whether the development would be inappropriate development in the Green Belt;
 - b) the effect of that development upon the openness of the Green Belt;
 - c) the effect of the proposed development on the character and appearance of the Capel Conservation Area (CCA);
 - d) the effect of the proposed development on the character and appearance of the existing dwelling; and
 - e) would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

¹ National Planning Policy Framework (2021)

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

5. Paragraph 149(c) of the Framework identifies that the extension or alteration of a building is not inappropriate in the Green Belt, provided it does not result in disproportionate additions over and above the size of the original building. The Council considers that because the original dwelling lies outside of the Green Belt this exception does not apply and that the proposal should be considered inappropriate development in the Green Belt.
6. Even if I were to conclude differently to the Council, I would still need to consider the extension in relation to the original building. The original dwelling has been subject to previous extensions and the current proposal would result in the footprint of the building appearing to double its original size. Also, given the shape and alignment of the proposal, the resultant building would have an elongated and over-extended appearance. In my opinion this would result in disproportionate additions over and above the size of the original building.
7. Consequently, the proposal would not fall within the exception listed in paragraph 149(c) of the Framework. I therefore conclude that it would be inappropriate development in the Green Belt, contrary to Policy CS1 of the Core Strategy² and the Framework. By definition, inappropriate development would be harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states that in considering a proposal substantial weight should be given to any harm to the Green Belt.

Openness and Purposes of the Green Belt

8. The Framework also sets out that 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.
9. The proposal would represent an incursion of significant built form into an area of Green Belt which is currently open and undeveloped. It would also reduce the gap between the built form of the dwelling and the existing outbuilding on the site's eastern boundary. Taking these factors together with the overall floorspace and volume of the extension, this would result in a significant loss of openness. Accordingly, I conclude that the proposal would conflict with Paragraph 137 of the Framework.

Conservation Area

10. The CCA is characterised by its linear alignment based around The Street and Vicarage Lane. There are a mix of building styles and materials, but plots are generally set perpendicular to the road with the buildings themselves positioned close to and visible from the road. This pattern of development and the gaps between buildings offer glimpses of the countryside beyond.
11. In contrast, the appeal dwelling is set back from The Street, with an irregularly shaped plot. Due to these factors, together with the size and scale of the extension, the proposal would introduce substantial built form into a currently undeveloped area and extend the dwelling behind its neighbour, 60 The Street. As such, the proposal would be contrary to the prevailing pattern and grain of

² Mole Valley Local Development Framework Core Strategy (2009)

development in the area and thus cause harm to the established character of the CCA. Although the appellant suggests that the extension would be largely screened, the absence of wider views of the development would not diminish the harm caused by the proposal to the intrinsic qualities and characteristics of the CCA.

12. Accordingly, I conclude that the development would fail to preserve or enhance the character or appearance of the CCA. As such it would be contrary to Policy CS14 of the Core Strategy, Policy ENV39 of the Local Plan³ and Policies CA-ESDQ4 and CA-ESDQ6 of the Neighbourhood Plan⁴ which, amongst other things, seek to protect the character and views of an area and to ensure that new developments preserve or enhance conservation areas.
13. The moderate harm I have identified to this heritage asset would be 'less than substantial' in the context of paragraph 199 of the Framework. Nevertheless, any harm to the significance of any designated heritage asset should require clear and convincing justification and in accordance with paragraph 202 of the Framework, I must weigh the harm against any public benefits of the proposal.
14. The appellant has not specifically identified any public benefits associated with the scheme. The development might provide some economic benefits during the construction phase, which may, for a time limited period, give rise to extra local employment. In the longer-term the development may boost Council tax revenues. But any such benefits would be very limited.
15. In coming to my decision in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. I have attached considerable importance and weight to this desirability. I therefore conclude that any possible very limited public benefits would not mitigate the harm caused to the heritage asset.

Effect on Existing Dwelling

16. The original dwelling has been previously extended both upwards and outwards. Although some work still seemed to be on-going at the time of my site visit, the dwelling has the appearance of a substantial two storey building with accommodation in the roof. It also benefits from a subservient front projection and single storey side extension. The current proposal seeks to extend the existing side extension. It would be set at a slight angle to the existing structure but would utilise matching materials and follow the same styling as the existing single storey extension.
17. However, the result would be an elongated single storey side projection which, when viewed from the front of the house, would be wider than the main body of the dwelling. It would therefore appear disproportionate and aesthetically harmful to the overall composition of the existing building. Taken as a whole, the extension would lack suitable subtlety and would harm the appearance of the existing dwelling.
18. Accordingly, the proposal would be contrary to Policy CS14 of the Core Strategy, Policy ENV22 of the Local Plan and Policy CA-ESDQ3 of the

³ Mole Valley Local Plan (2000)

⁴ Neighbourhood Development Plan – Parish of Capel (2016 – 2026)

Neighbourhood Plan which, amongst other things, seek to resist poor quality design and ensure developments complement the character and appearance of existing properties and areas.

Other Considerations

19. The appellant considers the extension to be modest and notes that under the provisions of the Permitted Development Order⁵ it may be possible to erect a single storey free-standing structure similar to the current proposal. Such a structure would, it is suggested, have a similar effect on the openness of the Green Belt to that of the current proposal. However, I have no evidence before me such as a Certificate of Lawfulness to confirm that such a structure could be erected. Furthermore, it would not be directly comparable to the accommodation sought by the current proposal and thus, there is no evidence to suggest that it represents more than a theoretical possibility. The weight I could therefore attach to this matter would be limited.

Conclusion

20. I have found that the appeal scheme would be inappropriate development that reduces the Green Belt's 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.
21. Where I have identified other considerations in favour of the proposed development, I have found these to be worthy of only very limited weight for the reasons I have given. As such, they would be insufficient to justify the proposed development owing to the substantial weight that should be ascribed to any harm to the Green Belt. Very special circumstances do not therefore exist.
22. The development is contrary to the Framework and to the development plan which seeks to protect the Green Belt, Conservation Areas, and the character and appearance of existing buildings. I have considered all other matters raised but none outweigh the conclusions I have reached.
23. For the reasons set out above, I dismiss the appeal.

Stewart Glassar

INSPECTOR

⁵ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)