The Planning Inspectorate

Appeal Decision

Site visit made on 1 March 2022

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 07 March 2022

Appeal Ref: APP/M3645/D/21/3279525
Partney Oak, Domewood, Copthorne RH10 3HD

- 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 and Mrs M Slight against the decision of Tandridge District Council.
- The application Ref TA/2021/245, dated 16 February 2021, was refused by notice dated 11 June 2021.
- The development proposed is single storey rear extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would be inappropriate development in the Green Belt, and if so, whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt

3. The appeal site is within the Green Belt. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (LP) states that within the Green Belt, planning permission for any inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused. LP Policy DP13 says that whilst the construction of new buildings will be regarded as inappropriate, exceptions include where the proposal does not result in disproportionate additions over and above the size of the original dwelling as it existed on 31 December 1968, or if constructed after that date, as it was built originally.

4. The National Planning Policy Framework (Framework) explains that the Government attaches great importance to Green Belts. 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. The Framework says that substantial weight should be given to any harm to the Green Belt. The construction of new buildings should be regarded as inappropriate in the Green Belt, but 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 (as it

existed on 1 January 1948, or if constructed after 1 January 1948, as it was built originally).

5. The largely level irregular-shaped appeal site is situated within a mainly residential area on the north east side of Old Domewood. The detached chalet style appeal dwelling includes an upper floor in its roof space and single storey wings. Due to its siting at the back of the main part of the dwelling and its scale, the proposed part flat part hipped roofed single storey extension would be lower and shallower than the nearby single storey rear outshoot. Moreover, due to the tall boundary treatment by most of the site's frontage, hedges by its nearby side boundary, the woodland at the back, and the form of the existing dwelling, it would barely be seen from the road or nearby gardens.

6. There is no definition of 'disproportionate' in local policy. However, the Council says, as a guide, proposals resulting in a 40% volume increase above that of the original building are likely to be supported subject to a visual assessment.

7. From the Council's calculations, the proposal plus the previous additions to the original dwelling since 1968 would add up to roughly 230% over and above the size of the original dwelling. So, whilst the proposal could be visually acceptable, as more than two thirds of the resulting dwelling would be additions to the original dwelling, the proposal would be reasonably considered to be a disproportionate addition.

8. As the proposal would be a disproportionate addition, it would be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt. It would be contrary to LP Policies DP10 and DP13, and the Framework. As substantial weight should be given to any harm to the Green Belt, the proposal would cause significant harm.

Green Belt openness

9. As the existing trees and vegetation in the surrounding area do not diminish Green Belt openness, and as the nearby dwellings are sited fairly close to the roads, the considerable openness in their mostly generous plots contributes positively to the openness of the Green Belt. So, the openness in the present back garden maintains the openness of the Green Belt, in keeping with others nearby. Due to its depth, width, and height, the built form of the proposal would erode the existing openness at the site. Thus, the proposal would also harm the openness of the Green Belt. It would be contrary to LP Policies DP10 and DP 13, and the Framework. It would cause moderate harm to Green Belt openness.

Other considerations

10. Green Belt purposes, character and appearance, and nearby occupiers' living conditions were not concerns of the Council in its reasons for refusal. I agree. These are neutral factors, so they do not weigh in favour, and the lack of objections from interested parties including local residents attracts little weight.

Balance and conclusion

11. Because the other considerations put to me by the appellants attract little weight, they would not outweigh the sum of the significant harm due to Green Belt inappropriateness and moderate harm to Green Belt openness. Therefore, the very special circumstances necessary to justify the proposed development

do not exist. It would be contrary to LP Policies DP10 and DP13, and the Framework.

12. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations, including the Framework, do not outweigh that conflict.

13. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR