The Planning Inspectorate

Appeal Decision

Site visit made on 11 April 2022 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2022

Appeal Ref: APP/K3605/D/21/3279905
Manor Pond House, Seven Hills Road, Cobham KT11 1ER

- 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 Rivers against the decision of Elmbridge Borough Council.
- The application Ref 2021/0431, dated 7 February 2021, was refused by notice dated 25 May 2021.
- The development proposed is 0.9m increase in ridge height of link extension, 0.5m increase in chimney height and front and rear dormers.

Decision

1. The appeal is allowed and planning permission is granted for 0.9m increase in ridge height of link extension, 0.5m increase in chimney height and front and rear dormers, at Manor Pond House, Seven Hills Road, Cobham KT11 1ER, in accordance with the application, Ref 2021/0431, dated 7 February 2021 subject to the following conditions:

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

    3) The development hereby permitted shall be carried out in accordance with the approved plans: 1009.P.001, 1009.P.02, 1009.P.003 Revision C, 1009.P.004 Revision C, Site Location Plan (scale 1:1250), Block Plan (scale 1:500) and 1009.P.005.

    4) No site clearance, preparatory works or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

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.

Preliminary Matter

3. I have used the description of development on the decision notice and appeal forms in the above header, as it more accurately describes the proposal.

Main Issue

4. The main issues in the appeal are:

    - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and the development plan; and
    - The effect of the proposed development on trees within the appeal site.

Reasons for the Recommendation

Whether it would be inappropriate development

5. The appeal property is a large detached, two storey dwelling. The dwelling is set within a relatively spacious plot, accessed via a short gated driveway from Seven Hills Road.

6. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception is 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. The Framework defines 'original' as a building as it existed on 1 July 1948 or if constructed after 1 July 1948, as it was built originally.

7. Policy DM18 of the Elmbridge Local Plan Development Management Plan (April 2015) (the 'Development Management Plan') is generally consistent with the Framework in that it seeks to prevent disproportionate additions over and above the size of the original dwelling. It states, in part (a) (ii) that support will be given to proposals that do not result in an increase beyond 25% in volume and 25% in footprint and (a)(iii) that do not materially increase the overall height of the building. The Framework does not set a limit, leaving it to the decision maker to determine whether the extension is disproportionate. I have considered both the context and appearance of the property as well as the uplift in floorspace and volume when considering proportionality.

8. The appeal property was constructed before July 1948, no evidence is available to confirm the original floorspace or volume of the dwelling. However, in their evidence the Council have drawn on information from a historic planning application which indicates that since 1962 the footprint of the dwelling has increased by approximately 50% and the increase in volume exceeds 50%. The appellant does not dispute these figures.

9. The proposal would not result in an increase in the footprint of the dwelling. There would only be a small increase in height of the link extension and chimney, resulting in an increase in volume of around $6m^{3.}$ Whilst this calculation cannot be solely relied upon to assess proportionality, it does provide an appropriate indication of proportionality of the proposed development.

10. There would be no increase in the height of the main roof and the planning application drawings show the modest increase in scale of the link extension

which is not considered to add unacceptable bulk or massing to the dwelling at roof level. The proposed front and rear dormers are proportionate and in keeping with the dwelling and would not overly dominate the roof. Therefore, notwithstanding the further increase in volume, taking into account the relatively limited increase involved, I do not consider that the proposed extension would represent a disproportionate addition over and above the size of the original building.

11. For these reasons, I find that the proposal would not comprise inappropriate development within the Green Belt as defined by the Framework. The proposal would not accord with part (a)(ii) of Policy DM18 of the Development Management Plan however, as explained above, the alterations would not result in disproportionate additions over and above the size of the original building, and would therefore be compliant with the main thrust of Policy DM18.

The Effect of the Proposal on Trees

12. The parties do not agree on whether any trees would be impacted by the proposed works. No ground works would be required as part of the proposed development. However, I saw on my site visit that there are a number of large trees in close proximity to where the roof alterations would take place and I agree with the Council that some cutting back may be required. I am satisfied that cutting back to allow the works is unlikely to result in an unacceptable effect on trees and the requirement to protect trees from harm from the development can be secured by imposition of a condition.

13. The proposal would therefore accord with Policy DM6 of the Development Management Plan which seeks to ensure trees are adequately protected prior to, during and after the construction process. The provisions of the Framework to prevent the loss and deterioration of trees is also met.

Conditions

14. I have considered the conditions suggested by the Council. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to better reflect the advice in the Framework and Planning Practice Guidance.

15. I have imposed the standard conditions relating to the commencement of the development and the approved plans, in the interest of certainty. I have included a condition requiring the external materials to match the existing building to protect the character and appearance of the appeal property. In respect of tree protection measures, a condition is necessary to ensure no harm occurs, and it requires compliance before the commencement of development to achieve its aim of protecting the trees. I have not included the Council's suggested additional conditions relating to a site meeting, site supervision or tree retention. Compliance with the included condition is sufficient to ensure the protection of the trees on the site and so these additional conditions are therefore unnecessary.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

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

Chris Baxter

INSPECTOR