



Appeal Decision

Site visit made on 22 March 2022

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

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/M3645/D/21/3279441

Pennethorne House, Swissland Hill, Dormans Park RH19 2NH

- 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 Norman against the decision of Tandridge District Council.
 - The application Ref TA/2021/356, dated 3 March 2021, was refused by notice dated 30 April 2021.
 - The development is raised lawn area and construction of a retaining wall and steps with associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been carried out, and it is generally in accordance with the application plans. The appellants included a drainage plan numbered V025-H100C in their grounds of appeal. As that plan does not alter the development, and as I do not consider anyone's interests would be prejudiced, I shall consider it.

Main Issue

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

Reasons

Green Belt

4. 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 unless very special circumstances can be clearly demonstrated, the construction of new buildings will be regarded as inappropriate in the Green Belt, but it gives several exceptions. These include the partial redevelopment of previously developed sites, where the proposal would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, and any other form of development listed under paragraph 90 of a previous version of the National Planning Policy

Framework (Framework), which has been replaced by Framework paragraph 150.

5. The 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 construction of new buildings should be regarded as inappropriate in the Green Belt, but exceptions include, at paragraph 149 g), the partial redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development. Framework paragraph 150 states that certain other forms of development are also not inappropriate provided they preserve its openness and do not conflict with the purposes of including land within it, and these include, at criterion b), engineering operations. In both cases, assessment of the effect on Green Belt openness is necessary, and the spatial and visual aspects of openness are capable of being relevant.
6. The original scheme approved by the Council, ref TA/2013/307 (approved scheme), shows a terrace as wide as the site and steps into the sloping back garden. The appeal dwelling includes a patio that is nearly as deep as the terrace shown in the approved scheme. The appeal development includes a raised lawn mostly edged by retaining walls on 3 sides that extends into the back garden beyond the patio, and it includes 2 flights of steps, a landing and planters at the far end, and planters on its roughly north side.
7. The development is several steps lower, and parts of the patio are one or more steps lower, than the terrace in the approved scheme. However, because the development is nearly as wide as the site, it extends well beyond the approved terrace into the downward sloping back garden, and due to the height of its retaining walls, flights of steps, landing and planters, the overall increase in volume has caused a loss of Green Belt openness in spatial terms. Moreover, due to its considerable scale, height and mass, its bulky form is more dominant and intrusive than the approved scheme, so the visual aspect of Green Belt openness is diminished.
8. As the Council says that the development in the back garden at Pleasaunce Court has been cut into that site and there has been no increase in land levels, its site specific circumstances differ from the development before me.
9. So, having regard to the spatial and visual aspects of Green Belt openness, the development has a greater impact on the openness of the Green Belt in terms of Framework paragraph 149 g) and, in terms of Framework paragraph 150 b), the Green Belt's openness is not preserved.
10. Therefore, I consider that the development is inappropriate development. It is contrary to LP Policies DP10 and DP13, and the Framework.

Character and appearance

11. The appeal dwelling is situated in its good-sized plot on the west side of Swissland Hill, the roughly west part of which is subject to a Tree Preservation Order. Park House (formerly Greenside Cottage) is next door to roughly south, and Pleasaunce Court is next door to roughly north. The local landform slopes down steeply to roughly west and more gently to roughly north.

12. Due to its stark contrast with the naturally sloping landform, the discordant character of its walls, the obtrusive appearance of its steps and landing, and its considerable scale and bulk, the development is harmfully dominant in views from the ancient woodland, and detrimental to the visual amenity of its Green Belt surroundings. As the gardens of most nearby dwellings include gently sloping lawns, banks and terraces that respect the sloping landform, the development is harmfully out of keeping with them, and thus it is harmful to the local landscape.
13. The north side of the development is largely screened by planting. Because that planting is within a private garden, and because plants are living things, it could not reasonably be controlled by condition for more than a few years. So, it could not be relied upon to screen the development in the long term.
14. Thus, I consider that the development harms the character and appearance of the surrounding area. It is contrary to Policy CSP 18 of the Tandridge District Core Strategy (CS) and LP Policy DP7 which seek a high standard of design and respect for context, and the Framework which aims for development to be sympathetic to local character and the surrounding landscape setting.

Living conditions

15. Due to the sloping topography, and the mainly open outlook towards the woodland, the gardens of most nearby dwellings on the west side of the road include terraces and banks and some dwellings include balconies. So, although the dwellings are well spaced in a broadly linear layout towards the upper part of the slope, some mutual overlooking between nearby back gardens and dwellings would reasonably be expected.
16. The dwelling at Pleasaunce Court is sited closer to the road than the appeal dwelling, and it is well away from its common boundary with the site. Its back garden includes a series of terraces that step down with the sloping land including a lawn part way down the slope and another lawn at its far end. The development is sited a short distance from the common boundary with Pleasaunce Court. At present, views from the development into the grounds of Pleasaunce Court are largely screened by existing planting by the common boundary.
17. However, due to its height and siting, extensive overlooking into the far end of the garden at Pleasaunce Court is possible from the back of the development. As occupiers usually expect to enjoy the most privacy in the far ends of their back gardens, the overlooking that can occur is significantly harmful, and, as already explained, additional planting would not overcome that harm.
18. I consider that the development harms the living conditions of the occupiers of Pleasaunce Court, regarding privacy. It is contrary to CS Policy CSP 18 and LP Policy DP7 which aim for development to not significantly harm the privacy of occupiers of neighbouring properties.

Other considerations

19. As the appellant has not shown that the former horseshoe-plan garden was lawful, the landslip associated with it attracts little weight. Moreover, whilst the grounds of the appeal dwelling are generous in scale, a substantial level lawn would not reasonably be expected when choosing to occupy a dwelling on a sloping site, so this matter attracts almost no weight.

Balance

20. Because the sum of the other considerations put to me by the appellant attract modest weight, they do not outweigh the sum of the substantial harm to the Green Belt by reason of inappropriateness, the moderate harm to the character and appearance of the area, and the moderate harm to the living conditions of the occupiers of Pleasaunce Court. Therefore, the very special circumstances necessary to justify the development do not exist. The development is contrary to CS Policy CSP 18, LP Policies DP7, DP10 and DP13, and the Framework.

Conclusion

21. I have found that the development is contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.

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

J Reid

INSPECTOR