



Appeal Decision

Site visit made on 17 May 2022 by Thomas Courtney BA(Hons) MA

Decision by Hollie Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2022

Appeal Ref: APP/K3605/D/21/3285430

4 Yew Tree Cottage, Portsmouth Road, Esher KT10 9AL

- 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 P Branelly against the decision of Elmbridge Borough Council.
 - The application Ref 2021/1423, dated 19 April 2021, was refused by notice dated 2 August 2021.
 - The development proposed is a single storey rear and side extension and first floor rear 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 are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on protected species;
 - if the development would be inappropriate, whether the harm to the Green Belt by way 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 it.

Reasons for the Recommendation

Whether the development would be inappropriate development

4. The appeal property comprises a two-storey dwelling situated at the end of a small block of terraced cottages located in the Green Belt. The property lies within a small plot and features an original single-storey outrigger to the rear. Directly to the north of the property lies another small grouping of terraced properties. The surrounding area is dominated by the Thames Ditton & Esher
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Golf Club to the north and woodland to the west and south which is cut through by Portsmouth Road (A307). The Grade II listed Yew Tree Cottages at Nos. 7 and 8 Portsmouth Road lie to the north-east of the appeal dwelling.

5. Paragraph 149 of the National Planning Policy Framework (NPPF) states that new development is inappropriate in the Green Belt unless it falls 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. Policy DM18 of the *Elmbridge Local Plan 2015* (the 'Local Plan') is consistent with this and states that extensions should be well designed and should not result in an increase beyond 25% in volume and 25% in footprint.
6. Both parties agree that the proposal would result in an increase in volume of approximately 33% and the floor area of the appeal dwelling will expand from 45 sqm to 69.5 sqm representing an increase of 54% above the original building. Regarding proportionality, the NPPF refers to 'size' in the context of this, which can reasonably be interpreted as a reference to volume, height, external dimensions, footprint, floorspace or visual perception.
7. In this case, the overall increase in floor area and built form, including at first floor level of the dwelling, would be considerable and would quite clearly result in substantially greater visual bulk to the resultant dwelling. Whilst the appellant contends that the proposal is well-designed and appropriately scaled, the increase in resultant volume of development to the side and rear of the property would be excessive in the context of Green Belt policy. I find that the scale of the extensions would subsume the size and form of the original dwelling and would therefore represent a disproportionate form of development.
8. On the basis that the proposed extensions would result in disproportionate additions over and above the size of the original dwelling, I therefore find the proposal would be inappropriate development in the Green Belt and would conflict with Paragraph 149(c) of the NPPF, as detailed above, and Local Plan Policy DM18 which seeks to resist inappropriate development in the Green Belt.

Openness

9. Openness is identified in the NPPF as one of the Green Belt's essential characteristics. The additional built form and volume as a result of the extensions would materially impact on openness in a spatial aspect. Furthermore, the increased width of the house and resultant bulk, plus the prominent position of the building at the end of the terrace, would mean the proposal would also have a greater visual impact on the openness of the Green Belt when seen from the adjacent lane and access road off Portsmouth Road.
10. Furthermore, the existing soft landscaping and low boundary treatments at the rear and along the side of the property are attractive features which contribute to the open and sylvan character of the Green Belt. The proposed development would widen the dwelling and remove the side garden thus eroding the openness of the site. In light of the above, the spatial and visual impact on openness would result in limited harm to the Green Belt.

Protected species

11. From the evidence, the appeal site is located within the Littleworth Common Site of Nature Conservation Importance (SNCI). Policy CS15 of the *Elmbridge Core Strategy* (2011) seeks to ensure that new development does not result in a net loss of biodiversity and, where feasible, contributes to a net gain through the incorporation of biodiversity features.
12. There is no evidence within the submission to demonstrate that there would be no harm to protected species, the site's biodiversity value or whether any biodiversity net gain measures would be feasible to implement. Whilst I consider the likelihood of material harm to be low, given the appeal site's characteristics, the absence of evidence to this effect results in a conflict with the Policy which it appears has been raised in connection with previous proposals at the site. The imposition of a planning condition to require the assessment of the baseline position and any potential impact from the development would not ensure the necessary protections. Therefore, in the absence of evidence to the contrary, the proposal conflicts with Policy CS15 of the Core Strategy, Policy DM21 of the Local Plan as well as the NPPF which together seek to ensure proposals do not adversely impact protected nature sites and species.

Other considerations

13. The NPPF states that inappropriate development should not be approved except in very special circumstances, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
14. In this regard, the appellant has put forward a number of considerations which he contends amount to very special circumstances when combined together. These include the design, siting, and external appearance of the proposed development, which I have largely addressed above. Whilst I accept that the proposal includes sympathetic materials, I have found that the proposal would be disproportionate in light of the excessive increase in volume and visual bulk. The fact that the proposed development is attached to the host dwelling and is not a 'stand-alone' structure has had no particular bearing on my decision as it has been assessed as an extension rather than a new building in the context of the current Green Belt policies. I have therefore attached only very limited weight to these considerations.
15. The appellant has also drawn my attention to the background of the property, their personal circumstances and the surrounding context, highlighting that neighbouring properties at Nos. 1, 5 and 6 Portsmouth Road feature similar extensions. Whilst I acknowledge that other properties feature side and rear extensions, I do not have all the details and plans of these developments and therefore cannot accurately establish how comparable they are to the proposal. Notwithstanding this, I find that the extensions at No.5 are more modest in scale than the proposal given the side extension does not project beyond the rear elevation and given the fact No.5 does not feature any extensions at first floor level. No.6 also has more modest extensions than the proposal and therefore are not comparable.

16. It is also asserted that the proposed development would somewhat mirror the side extension at No.1 and improve the symmetry of the terrace. I have also taken into account the significant scale of the extensions at No.1, the anecdotal evidence as to why permission was granted, and have attached limited weight to this consideration accordingly.
17. Lastly, the point is made that the proposal could be built utilising permitted development rights under the Town and Country Planning (General Permitted Development) Order 2015 (as amended). No certificate of lawfulness of a proposed development has been provided, nor any other substantive evidence of a similar nature. As such, I cannot attribute weight to such a fallback scenario.

Planning Balance and Overall Conclusion

18. I consider that the development would cause harm to the Green Belt by way of its inappropriateness and harm to its openness, and substantial weight should be given to these harms. The proposal has also failed to demonstrate the development would not adversely impact the site's biodiversity value. The combined weight attributed to the other considerations in this case do not outweigh the substantial harm I have identified. I conclude therefore there are no very special circumstances to justify the development.

Recommendation

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

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

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

Hollie Nicholls

INSPECTOR