



Appeal Decision

Site visit made on 7 September 2022

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2022

Appeal Ref: APP/D3640/W/21/3283472

9 Brimshot Lane, Chobham, Woking GU24 8RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr James Butler against Surrey Heath Borough Council.
 - The application Ref 21/0172/FFU, is dated 10 February 2021.
 - The development proposed is described as 'single and 2 storey extension to side of existing detached property. Extension within existing structural footprint and replacing existing single storey built structures, consisting of single flat roof garage and double skin, full depth foundation 6.5ft courtyard wall.'
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The Council did not issue a decision on the proposed development. Their evidence explains that, had they done so, they would have refused planning permission on design grounds. The appeal site is however also in the Green Belt, as per Policy CP1 of the Local Plan¹, and the views of the main parties have been sought thereon. I have taken any representations made into account.

Main Issues

3. With the above in mind the main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt;
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area; and
 - if the proposed development would be inappropriate development in the Green Belt, 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 it.

¹ Surrey Heath Borough Council Core Strategy and Development Management Policies 2011-2028 (2021)

Reasons

Inappropriate Development

4. The construction of new buildings in the Green Belt should be regarded as inappropriate development. There is a closed list of exceptions set out by paragraphs 149 and 150 of the National Planning Policy Framework 2021 (the Framework). One of which being 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.
5. I do not have details of the floor area or volume of the dwelling compared to the extensions proposed, nor am I completely clear on what might be the original building for the purposes of my assessment. However, and based on what is before me, the building as it presents as a roughly rectangular shape appears to be largely original, including a since replaced small lean-to porch to the front.
6. I am unsure as to whether the garage (which would be incorporated into the extensions) is original but even if I were to consider it as such the extensions, taken together, would represent a substantial amount of additional built form. The new two storey side section specifically (even taking account of the garage) would represent a significant land take and be the same height as the host building. Its floor area would be tapered but combined with the other single storey elements the additional volume would be substantial both on paper and in visual terms.
7. The proposed development would therefore represent a disproportionate addition over and above the size of the original building. As such, it would be inappropriate development in the Green Belt. This would be, according to the Framework, harmful to the Green Belt by definition and should not be approved except in very special circumstances.

Openness

8. Openness is one of the key characteristics of the Green Belt. It can be said to have both a visual and spatial aspect. The latter can be taken to mean the absence of built form.
9. Whilst the extensions would be visible from the small private access to the appeal site, Nos 2 and 4 Red Lion Lane and the lane itself (as well as passing south along Brimshot Lane) there is a degree of tree cover in and around the appeal site and the dwelling itself is in a semi built up area with other similarly scaled buildings. The overall visual effect on the Green Belt's openness would therefore be limited.
10. That said, there would be an inevitable reduction in the spatial aspect of the Green Belt's openness by virtue of the siting of what would be a substantial amount of additional built form therein. This would give rise to further harm to the Green Belt, in addition to its inappropriateness.

Character and Appearance

11. Whilst some of the dwellings around the appeal site are of very similar architectural style, there is no defined building type in the locality that would lead one to consider there being any degree of consistency in the appearance

of local buildings. Such that homogeneity is therefore a defining or positive aspect of the area's character or appearance.

12. Nevertheless, the overall size, bulk and mass of the extensions would have a noticeable effect on the host building such that it would be somewhat dominated by them. The tapered shape of the two storey side extension would appear awkward and contrived. Designed to fit a space rather than relate positively in the visual or architectural sense to its host. Whilst I agree that surrounding planting would obscure the extensions to some degree, the substance of the two storey element would, from Brimshot Lane, appear as two buildings side by side rather than one. The replacement of the small porch with a front extension, in built form terms, would not be significant but the lack of any openings on the front thereof introduces a dead frontage, devoid of any design appeal. A similar effect would be evident from the elevation that would face the access where there would be substantial amount of uninterrupted masonry and fascia treatment.
13. I note the examples cited of other dwellings that have been altered in the immediate and wider area. I am unaware of the relative planning status of such developments as well as when they may have received planning permission. However, each development proposal is considered on its own merits, with regard to its context and, in this case, the design of an extension and the building it would be attached to.
14. These factors would combine to result in an overall poor quality of design for its context which would, as a consequence, be harmful to the character and appearance of the area. This would also lead to conflict with Policy DM9 of the Local Plan which, amongst other things and along with the guidance set out by the RDG², seeks to ensure a high quality design which respects and enhances local character.

Other Considerations

15. I have no doubt that the dwelling would be upgraded to modern standards and display a more architecturally pleasing palette of materials and external finishes. Indeed, the appellant has provided some commentary to the effect of the dated nature of the buildings original design and current fabric. However, I have nothing compelling to suggest that the appeal scheme is the only way of achieving such objectives. I therefore give this matter limited weight.
16. The appellant has provided some information pertaining to the status of Brimshot Lane and that it is not a street or highway. From my observations on site which included gravel surfacing around, it seems sufficiently clear that Brimshot Lane is not adopted by the Highways Authority. I would not be comfortable however stating conclusively that it is not a highway in the absence of more detailed evidence either way. That said, I fail to see why, if the lane is not a highway, that the provisions of the development plan should not be applied to the proposed development. A decision on which, as a matter of planning law, has to have regard to the development plan as a matter of primacy.

² Surrey Heath Residential Design Guide Supplementary Planning Document 2017

Conclusion

17. The appeal scheme would cause harm to the Green Belt by virtue of both its inappropriateness and in reducing its openness. There would be further harm arising from the design of the proposed development and how it would sit with the character and appearance of the area. There would therefore be conflict with the development plan.
18. As per paragraph 148 of the Framework substantial weight should be given to any harm to the Green Belt. 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.
19. I have considered such as they have been presented and, collectively, they would attract only limited weight. It is clear therefore that they would not be sufficient against the substantial weight I must ascribe to the harms to the Green Belt. Very special circumstances have not therefore been demonstrated.
20. The appeal scheme would conflict with the development plan. There are no material considerations, including the Framework and worthy of sufficient weight, that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

John Morrison

INSPECTOR