



Appeal Decision

Site visit made on 27 September 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022

Appeal Ref: APP/L5240/D/22/3300604

25 Woodplace Lane, Coulsdon CR5 1NE

- 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 Tarbuck against the decision of London Borough of Croydon.
 - The application Ref 22/00870/HSE, dated 1 March 2022, was refused by notice dated 27 April 2022.
 - The development proposed is demolition of existing two storey extension / conservatory and erection of new part single, part two-storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- (i) whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- (ii) the effect of the proposal on the openness of the Green Belt;
- (iii) the effect of the proposal on the character and appearance of the area;
- (iv) whether or not the proposal would be acceptable in terms of fire safety; and
- (iii) whether any 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 required to justify the proposal.

Reasons

Whether or not inappropriate development in the Green Belt

3. No 25 Woodplace Lane is a two-storey semi-detached dwelling situated within the Green Belt. The property and its immediate neighbours to this side of Woodplace Lane have long rear gardens which back on to the fields at Farthing Downs.
4. Policy G2 (London's Green Belt) of the London Plan (2021) (LP 2021) states that the Green Belt should be protected from inappropriate development.

Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. One exception at Paragraph 149 c) 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.

5. What constitutes a disproportionate addition is not defined within the Framework. Policy DM26 (Metropolitan Green Belt and Metropolitan Open Land) of the Croydon Local Plan (2018) (CLP) sets out that extensions to existing buildings in the Metropolitan Green Belt should not be more than 20% of their original floor space or volume, or 100m² (whichever is the smaller) unless they are for agricultural use, forestry, or facilities for outdoor sport, outdoor recreation or cemeteries. Without any alternative definition, the specific requirements of the development plan are particularly pertinent to my considerations.
6. The appellant does not dispute that the proposal would conflict with Policy DM26. No volume calculations are before me. However, the Council has calculated that as a result of the proposals, the dwelling would have a floorspace equating to a 63% increase above the original floorspace. Without any alternative calculations to suggest otherwise, this increase beyond the maximum 20% threshold in the CLP would be considerable and on that basis a disproportionate addition to the dwelling.
7. I conclude, the proposal would be inappropriate development in the Green Belt having regard to the requirements of Policy DM26 of the CLP, Policy G2 (London's Green Belt) of the LP 2021 and the Framework.

The effect on the openness of the Green Belt

8. Paragraph 137 of the Framework sets out the essential characteristics of Green Belts, which are their openness and permanence. It has been held in the High Court that openness is epitomised by the lack of buildings or development. The effect on openness is a separate issue to character and appearance.
9. The increased bulk and volume of the dwelling as a result of the extension would undoubtedly have a spatial impact. While the extension would be deeper than the rear extensions it would replace, this would not appear conspicuous in views from the street nor from the rear of neighbouring properties or the Farthing Downs given its harmonious design.
10. Taken together, I find that the visual and spatial effects would have a modest effect of the openness of the Green Belt. In that regard, the extensions would not preserve the openness of the Green Belt, thereby conflicting with the aims of including land within the Green Belt when assessed against the Framework.

Other harm – character and appearance

11. The Council's assessment of the design of the scheme is primarily based upon a comparison of the dimensions of the scheme against the guidance on the size of extensions that was set out in the Croydon Suburban Design Guide SPD (2019). However, this document was revoked on 26 July 2022 and is no longer a material consideration.
12. Assessing the design of the proposal on its own merits, the extensions would substantially increase the bulk and depth of the dwelling, particularly in terms

of the side elevation facing towards the boundary with No 23 Woodplace Lane. However, the scale and appearance of the extensions would be comparable to those on some of the other dwellings to this side of Woodplace Lane. The profile of the two-storey pitched roof would closely align with the roof of the host dwelling and matching materials would be utilised. In this context, I am satisfied that the design of the extensions would have an acceptable appearance in oblique views from the street as well as in views from the fields and neighbouring properties to the rear.

13. I conclude that the development would have an acceptable relationship with the character and appearance of the area. In that regard it would comply with the design and character requirements in Policy DM10 of the CLP.

Other harm – fire safety

14. Policy D12 (Fire Safety) of the LP 2021 requires amongst other things that all development proposals must achieve the highest standards of fire safety. The policy also species that all major development proposals should be submitted with a Fire Statement. Conversely, this level of information is not specified as an application stage requirement for householder development.
15. I agree with the appellant that, as is commonly the case for residential extensions, fire safety could be adequately dealt with through building regulation requirements. In that regard, I see no reason why the proposal would not be able to meet the fire safety requirements specified at part A paragraphs 1 – 6 of Policy D12 and the Council has not put forward any specific issues to suggest that this would not be the case. In the event that I was allowing the appeal, the Council's suggested condition would also be an adequate means to ensure that the necessary fire safety measures would be incorporated into the development.
16. I conclude, the development would be acceptable in terms of fire safety. In that regard the proposal would meet the fire safety requirements in Policy D12 of the LP 2021.

Other Considerations

17. The appellant suggests that the proposal would be a visual improvement on the existing white rendered, flat roofed two-storey rear extension. However, there is no substantive evidence before me to suggest the existing extension could not be improved from a design point of view, for example through a toned-down render or a new roof. The appellant's personal desire to update their home and make it more functional carry limited weight in the context of the Green Belt designation. Accordingly, these matters cannot reasonably be considered to constitute very special circumstances.
18. My attention has been drawn to the scale and appearance of other extensions in the area, including those at Nos 21, 27, 35 and 37 Woodplace Lane. I have taken these into account in finding that there would be no material harm to the character and appearance of the area.
19. With regards to the Green Belt considerations, the extensions at Nos 21¹ and No 35 Woodplace Lane, the latter of which was allowed at appeal in 2016²,

¹ LPA ref 14/02394/P

² Appeal ref APP/L5240/D/16/3153843

were considered prior to the adoption of the CLP and its specific limits to extensions to buildings in the Green Belt. I am not aware of the full planning history or policy considerations that may have been material in respect of the other extensions to dwellings on Woodplace Lane. In any case, I am not persuaded that the existence of the extensions to neighbouring dwellings justifies allowing an extension which conflicts with an up-to-date development plan and which alongside these other extensions would erode the openness of the Green Belt.

20. My attention has also been drawn to an example of an extension allowed at appeal³ where an 86% increase in volume was considered not to be disproportionate. The Inspector in that instance noted that the Council employed a calculation of the increase in external volume in considering what was disproportionate. However, it is not clear whether the development plan in that instance specified a maximum threshold beyond which extensions were considered to be disproportionate. Therefore, I am not persuaded that particular case was comparable to the case before me.

Conclusion

21. The development constitutes inappropriate development in the Green Belt to which I attach substantial weight. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. As part of the assessment, I have also found that the development would result in a modest effect on the openness of 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, is clearly outweighed by other considerations. This is a high hurdle for a development proposal to overcome.
22. My findings that the proposals would have an acceptable impact on the character and appearance of the area and fire safety carry neutral weight. The other considerations put forward in favour of the proposal only carry very limited weight.
23. In conclusion and on balance, the substantial weight to be given to Green Belt harm, in addition to the other harm identified is not clearly outweighed by other considerations and therefore the very special circumstances needed to justify the proposed development do not exist.
24. For the reasons given the overall conclusion is therefore that the appeal should be dismissed.

M Russell

INSPECTOR

³ APP/M3645/D/19/3225214