



Appeal Decision

Site visit made on 2 November 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 DECEMBER 2022

Appeal Ref: APP/M3645/W/22/3296506

109 Rook Lane, Chaldon CR3 5BP

- 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 Vithurshan Rasiah against Tandridge District Council.
 - The application Ref TA/2022/39, is dated 11 January 2022.
 - The development proposed is described as a garden shed, side and rear ground floor extensions and internal remodelling.
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Decision

1. The appeal is allowed and planning permission is granted for a garden shed, side and ground floor rear extensions and internal remodelling at 109 Rook Lane, Chaldon CR3 5BP in accordance with the terms of the application, Ref TA/2022/39, dated 11 January 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A200; A211; A212; A213; A214; A215 A; A216 A; A217 A; and A219 A.
 - 3) The development hereby permitted shall use materials in the construction of the external surfaces that match those used in the existing dwelling.

Procedural Matters

2. For clarity the proposed development is the erection of a garden shed, and single storey side and rear extensions of the main dwelling. The internal remodelling would not require planning permission.
3. The National Planning Policy Framework (the Framework) was revised in July 2021. Although this was prior to the appellant submitting their application to the Council, the Council have referred to the previous iteration. However, the sections pertinent to this appeal have not materially altered and I will therefore reference the revised version in my decision.

Main Issues

4. The main issues are a) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; b) the effect it has upon the openness of the Green Belt; and c) if the development is inappropriate, 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 the proposal is inappropriate development in a Green Belt

5. Paragraph 149 of the Framework states that the construction of a new building is inappropriate in the Green Belt but sets out 7 exceptions to this. On review of the evidence before me I am satisfied that the proposed garden shed should be considered under paragraph 149 d) a replacement building, and the extensions to the existing dwelling should be considered under paragraph 149 c) the extension or alteration of a building.
6. The proposed garden shed would replace an existing shed and be used for the same purposes. The difference in size would not be significant and it would be relocated closer to the existing dwelling. This would improve the relationship between the buildings on the appeal site and would open up the rear garden, better defining the space between the existing dwelling and the other properties to the rear. For these reasons the proposed garden shed would not constitute inappropriate development in the Green Belt. A conclusion the Council have also come too.
7. Paragraph 149 c) requires that the extension or alteration does not result in disproportionate additions over and above the size of the original building. The Council have used a mathematical calculation to assess the physical increase in volume. However, the Framework does not prescribe what constitutes a disproportionate addition, and I find the use of a mathematical calculation as a starting point unsupported by evidence or policy. Notwithstanding this a large portion of the volume calculated by the Council is taken up by the proposed high hipped roof form.
8. Looking at the physical characteristics of that proposed the side extension would be a width not disproportionate to the front elevation and the rear extension would not extend beyond the extension on the adjacent property. The wrap around form would retain the rectilinear footprint of the existing dwelling. Whilst the continuation of the high hipped roof form would be visually appropriate, thus ensuring a cohesive design which would retain the sense and character of the original building.
9. Consequently, although the proposed extensions may constitute a relatively large increase in volume mathematically, they would retain the proportions and form of the existing dwelling. The proposed extensions would not, therefore, result in disproportionate additions over and above the size of the original building.
10. In light of the above, I conclude that the proposal would not be inappropriate development in the Green Belt. It would comply with paragraph 149 c) and d) of The Framework and policies DP10 and DP13 of the Tandridge District Local Plan Part 2: Detailed Policies, insofar as they seek to protect the special characteristics of the Green Belt in relation to residential extensions and outbuildings.
11. As the proposal would not be inappropriate development, it is not necessary to further consider the effect of the proposal on openness nor is it necessary to

consider very special circumstances, and there is no other harm to weigh it against.

Conditions

12. The Council has suggested 3 conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended them for consistency and clarity.
13. In addition to securing commencement within the relevant statutory timeframe, I have also imposed conditions requiring adherence to the approved plans and that matching materials with the existing building should be used to ensure all parts of the proposal would integrate acceptably with the character and appearance of the appeal dwelling and area.

Conclusion

14. For the reasons given above the appeal scheme would not conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, allowed and planning permission granted.

RJ Redford

INSPECTOR