



Appeal Decision

Site visit made on 18 October 2022

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2022

Appeal Ref: APP/D3640/D/22/3291961

Springfield Cottage, Ford Road, Bisley, Woking GU24 9EL

- 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 Mark Templeman against the decision of Surrey Heath Borough Council.
 - The application Ref 21/0773/FFU, dated 8 July 2021, was refused by notice dated 12 November 2021.
 - The development proposed is described as 'Construction of ground and first floor extension, insertion of new conservation roof lights, replace existing roof with like for like materials. Removal of modern conservatory and lean to building. Replacement of existing windows with like for like double glazed units.'
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant, at the application stage, outlined two possible alternatives under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), which they considered material to this proposal, and the Council took account of these in reaching its decision. Following its refusal of this proposal, the Council issued a Certificate of Lawfulness for Proposed Use or Development in respect to one of these schemes, that includes a 3 m deep, two-storey rear extension.¹(CLOPUD scheme) Accordingly, I have considered this matter as part this appeal.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect of the proposal on protected species.
 - The effect of the proposal on the character and appearance of the property, which is a non-designated heritage asset.

¹ Ref 21/1270/CES

- 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

Inappropriate Development

4. The construction of new buildings should be regarded as inappropriate in the Green Belt. However, paragraphs 149 and 150 of the Framework identifies exceptions to this, which include, at paragraph 149 c) 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. 'Disproportionate additions' is not defined in the Framework. Nor has my attention been drawn to local plan policies that may define this in this area. Taken on its own the proposed extension would lead to a relatively modest increase in floor space at this detached dwelling. However, when considered cumulatively with existing extensions, they would account for an increase, over and above the size of the original building, well in excess of 50% of the original floor space, even accounting for the floorspace of the conservatory to be removed. This proposal would result in a further significant extension to an already substantially extended original building, and it would be a disproportionate addition for this reason.
6. I therefore find that the proposal would not satisfy the requirements as an exception to development in the Green Belt for the purposes of paragraph 149 c) of the Framework. It would be inappropriate development which by definition would be harmful to the Green Belt to which I attach substantial weight.

Openness

7. Paragraph 137 of the Framework establishes that 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.
8. The appeal property is a large plot fronting Ford Road. The dwelling is largely screened from the road by trees and mature vegetation. There is a collection of buildings on the plot, but this built form is closely grouped. Whilst vegetation bounds all sides of the property, there is a distinctly open aspect to its rear which overlooks fields and relatively undeveloped countryside.
9. The proposal would continue this pattern of development, and the grouping of built form together at the property. However, the proposed two-storey building would fill a significant space at the appeal property which currently is limited to a single storey structure. It would be set close to the existing barn annex building, but again this is a single storey, and the proposal would substantially fill the existing space at this aspect. The wraparound of the ground floor element would also materially encroach into the existing garden space which is currently free of built forms.
10. In these respects, it would result in a material visual and spatial change in the existing relatively undeveloped part of the garden. It would have a greater impact on the openness of Green Belt than the existing single storey

conservatory which has a significantly smaller footprint than the proposed extension.

11. In light of this, I conclude on this matter that the proposal would result in a loss of openness to the Green Belt. While the effect would be limited and localised given the scale of the development, cumulative harm to the openness of the Green Belt would occur; a matter to which I attach substantial weight in reaching this decision.

Protected Species

12. Circular 06/2005² states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted.
13. The evidence before me suggests there is a reasonable likelihood that protected species are present at the appeal property. The appellant's statement indicates that a bat survey has been commissioned. However, a report has not been submitted as part of the appeal. Nor has any further information regarding this matter been provided. The requirements of the Circular have not therefore been satisfied in this respect and I see no exceptional circumstances advanced in this case that would justify this matter being addressed by condition.
14. I therefore find that there is insufficient information to conclude that protected species, that are afforded protection under the Wildlife and Countryside Act 1981, would not be harmed. In this regard, the proposal would be contrary to Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies (Core Strategy) which seeks to conserve and enhance biodiversity within Surrey Heath. It would also be inconsistent with the requirements of Circular 06/2005 as set out above, and the Framework in respect to conserving and enhancing the natural environment.

Character and Appearance

15. The appeal property is a 19th Century dwelling in an extensive plot.³ Its original simple plan composition has been substantially altered by the large 20th Century two storey extension. However, this existing extension has a traditional style reflective of the original architectural style of the dwelling. Furthermore, a substantial section of the original dwelling has been unaffected by this extension, and although partially infilled, the original oak frame remains intact and visible. Therefore, despite the considerable changes to the property, this original form and historic feature strongly contributes to the significance of this locally listed building.
16. The two-storey structure would cover almost all of the existing end gable wall. The apex of this extension would fit only a small distance below the existing roof, and the pitch of the proposed extensions would be stepped in a similarly small amount from the edges of the existing gable. The flat roofed element would also meet the existing eaves at this part of the dwelling. As a result, the substantial structure, that would engulf this part of the dwelling, would not appear as a subservient addition.

² Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impacts within the Planning System.

³ Heritage Statement at Springfield Cottage London GU24 9EL – Locksley Architects

17. The ground floor would comprise a sizeable box form of predominately large wall to ceiling glazing panels. Whilst its timber outline would be a nod to historic features on the original dwelling, the comparatively thick contemporary frame, with a horizontal emphasis, would visually compete, as opposed to harmonise, with the pleasingly irregular original frame apparent on this part of the dwelling.
18. The footprint of this element of the extension would also protrude a significant amount so that it would wrap around the existing rear elevation of the dwelling and towards the existing timber frame. When viewed from the rear this large, glazed box would dominate the appearance of the dwelling and would contrast unsympathetically with the remaining historic features and the general traditional character of the wider property. In this manner, the proposal would appear as a detracting feature that would harmfully interfere with the historic significance of the property.
19. Contemporary additions can blend well with historic properties. This proposal, however, would contrast and appear distinct from the original dwelling. While having regard for the Conservation officer's comments, in my judgement, the form and detail of this proposal would not be sensitive to the existing historic features, and it would visually compete with the original dwelling for the reasons set out.
20. I therefore find that the proposal would have a harmful effect on the character and appearance of the property. In this regard it would conflict with Policies DM9 and DM17 of the Core Strategy which collectively state that development will be acceptable where it, amongst other matters, respects and enhances the local, natural or historic character of the environment. It would also be inconsistent with guidance set out in the Surrey Heath Residential Design Guidance Supplementary Planning Document in respect to securing design quality.
21. The Framework, at paragraph 203, requires, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
22. I saw that the property was in need of renovation and the proposed extension would be a part of the planned works to achieve this. This would include refurbishment of windows, restoration of internal features and the removal of the single storey modern conservatory which would be beneficial outcomes. The proposal would also comprise high quality materials. It would increase the living space at the property, but this benefit would be limited to its occupants. Moreover, for the reasons outlined this proposal would result in the replacement of one unsympathetic structure with a substantially larger unsympathetic structure that would not be respectful of the remaining historic features. It has not been demonstrated in this appeal that this harmful addition would be the only means of securing these limited beneficial outcomes and the wider renovation of the property.
23. While the scheme deemed lawful under the CLOPUD would be different in position and form to this proposal, this lawful development would provide the additional living and bedroom space that the appellant is seeking. Taking account of these factors, I find that there is a greater than theoretical

possibility that the appellant would go ahead with this scheme if this appeal was dismissed. Therefore, I attach significant weight to this matter.

24. If constructed this two-storey development would cover a substantial section of the rear elevation and the original timber frame would be obscured at this aspect. In this respect this lawful scheme would be a considerably more harmful form of development than the proposal before me. Therefore, this lawful fallback position is a material consideration that would outweigh the harm identified in this case.
25. In the event prior approval was granted for an 8m single storey extension, given the submitted evidence, there is a reasonable probability that the appellant or future occupants of the dwelling may choose to construct this extension. In this outcome, this development would also cover a substantial section of the historic detail on the rear elevation of the dwelling.
26. Planning law requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. I had regard to the scale of harm resulting from this proposal and the significance of the heritage asset. I also attach significant weight to the conflict I have identified with the Core Strategy with regards this matter. However, I conclude on this issue, that in light of the above material considerations, that the harm identified in respect to character and appearance of the property, which is a non-designated heritage asset, would be outweighed by this material consideration in this case.

Other Considerations

27. The proposal would be inappropriate development in the Green Belt for the reasons set out above. Very special circumstances to justify inappropriate development 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.
28. The CLOPUD scheme would result in a spatial and visual change at an area outside the dwelling that is currently undeveloped. But unlike the proposal before me, its form would be set along the length of the original rear elevation and largely contained within the existing two-storey L shaped dwelling at that aspect. It would include an addition on the northwest elevation, but this small projection would be stepped in at both sides and would only be single storey. An 8 m extension, under the provisions of the GPDO, would require prior approval. This aside, although such a scheme would have a larger footprint than this proposal, this would be a single storey structure. It would also be set against the original rear elevation and significantly contained within the L shape form of the existing dwelling.
29. While these schemes would lead to visual and spatial changes in the existing outside space, they would both be viewed against the existing length of the dwelling, with the change to the openness only distinctly noticeable at the northwest of the property. This would not be the case for this proposal which would extend a gable end, filling a space at first floor up to existing roof height, and resulting in a spatial change which would be visible from three aspects. For this reason, I find the changes brought about by the alternative schemes would be slightly less harmful to the existing openness in this part of the Green Belt than the proposal subject of this appeal.

30. The appellant is willing to remove the stable block which flanks the southeast side of the annex. Although single storey this block has a sizeable footprint and is set at the edge of the group of buildings. Its removal would therefore lead to a material improvement in the openness of this part of the Green Belt.
31. This building could be removed by condition. However, existing or future occupants of the property could exercise permitted development rights and construct new buildings that could negate the benefit of removing the stable block.
32. The Council has suggested, if this appeal was allowed, that a condition is attached to the decision to remove these rights. Paragraph 54 of the Framework states planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so. The appellant has not indicated acceptance of this condition. In any event I am not persuaded that this proposal provides a clear justification for removal of rights affecting the whole of this large plot. A condition of this nature would not be reasonable, in this case, for this reason. In turn, a condition for the removal of the stable block would not on its own mitigate the harm identified to openness and would therefore not be necessary.
33. I have identified benefits of this proposal which include the removal of the conservatory, the renovation of the dwelling and the extended family accommodation. But even considered collectively, these benefits would be limited for the reasons set out.

Planning Balance and Conclusion

34. The Council has raised no issue with regard impact on parking or the living conditions of neighbouring residents. However, this should be an expectation of development, and these are neutral factors.
35. In respect to character and appearance, the proposal would harm the character and appearance of the non-designated heritage asset. But this harm would be outweighed by a material consideration, the lawful fallback position, which has significant weight on this issue for the reasons outlined above.
36. However, I have found that this proposal would be inappropriate development in the Green Belt and would lead to a loss of openness to the Green Belt. These are matters that I attach substantial weight to. I am also unable to conclude that the proposal would not result in harm in respect to protected species. Balanced against these matters are the other considerations discussed above.
37. Even when taken together, these considerations do not clearly outweigh the substantial harm to the Green Belt. As a result, the very special circumstances that are necessary to justify the proposal do not exist. Therefore, I conclude that the proposal would be contrary to the Framework regarding this matter.
38. For the reasons stated above and having regard to the development plan and all relevant material considerations, including the Framework, the appeal is dismissed.

A J Sutton

INSPECTOR