



Appeal Decision

Site visit made on 22 November 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 DECEMBER 2022

Appeal Ref: APP/M3645/D/21/3287313

Garfield Lodge, London Road, Felbridge RH19 2QZ

- 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 and Mrs Gavin and Sarah Tagg against the decision of Tandridge District Council.
 - The application Ref TA/2021/1181, dated 24 June 2021, was refused by notice dated 27 August 2021.
 - The development proposed is described as re-building of swimming pool extension to house.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed re-building of swimming pool extension to house at Garfield Lodge London Road, Felbridge RH19 2QZ in accordance with the terms of the application, Ref TA/2021/1181, dated 24 June 2021, 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: 21-077/P-01A and 21-077/P02A.
 - 3) Before any pumps or plant or machinery associated with the approved development are used on the premises, it shall be enclosed with sound-insulating material and mounted in a way which will minimise transmission of structure-borne sound in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The measures implemented as approved shall be retained in accordance with the approved details.

Procedural Matters

2. The Council refer to the emerging Our Local Plan: 2033 (Regulation 22 Submission, January 2019). I have little information to suggest when the plan is likely to be adopted, if any policies have been modified, or if there are any unresolved objections. Accordingly, I attribute limited weight to the Our Local Plan: 2033.

Main Issues

3. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2021 (the Framework) and any relevant development plan policies;

- The effect of the proposal on the character and appearance of the area; and
- The effect on the living conditions of adjoining occupants

Reasons

Whether or not the development would be inappropriate

4. The Government attaches great importance to Green Belts with the essential characteristics of Green Belts as their openness and their permanence. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt is inappropriate development and then specifies exceptions. The relevant one here is criterion 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. The parties agree that this is the relevant exception, and I have no substantive evidence to disagree with that approach.
5. The host property is a substantial detached property which has been subject to several extensions over time. The Council contends that the proposal would amount to a disproportional addition following the volume calculations that highlight the cumulative extensions including the proposal would result in a total increase of 107% of the original dwelling.
6. However, the proposal would occupy a similar footprint to the existing swimming pool enclosure and is surrounded on all sides by built forms. As such, the only increases in the size of the proposal are the height at the roof level and a small increase in footprint with the provision of a covered link from the main house to the pool. Whilst adding volume this would be comparable to the main house and overall, the proposal would not appear disproportionate.
7. Within this setting the proposal would appear as a logical continuation to the host property and would not dominate its appearance given that it would be subordinate to the 2 storey form and larger mass and height of the main dwelling. Given the relatively minor increase in size from the existing site the proposal would not appear overly large in comparison with the original dwelling.
8. Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014 – 2029, adopted 2014 (TLP) are broadly consistent with the approach of the Framework, however in determining what constitutes a 'disproportionate addition' the justification text¹ of TLP Policy DP13, states that in the context of a building extension or alteration, the Council will adopt a pragmatic approach. Further stating that each proposal would be assessed on its own merits, taking into account the size of the original building, the bulk, height, mass and prominence of the extension, and the impact of the proposal on the openness of the Green Belt.
9. Whilst larger than the existing structure, in applying the pragmatic approach and judging the proposal on its individual merits in accordance with the Council policy, the extension would be subordinate to the size of the original dwelling and there is no substantive or compelling evidence to demonstrate that it would result in a disproportionate addition. As such, I consider that this is the type of development that the pragmatic approach is seeking to promote. It would not therefore be inappropriate development within the Green Belt and

¹ Paragraph 13.3 of the Tandridge Local Plan Part 2: Detailed Policies 2014 – 2029, adopted 2014

benefits from the exception in Paragraph 145 c) of the Framework. Consequently, there would be no conflict with Policies DP10 and DP13 of the TLP.

Character and appearance

10. Whilst the height of the development would be taller than the existing, the location amongst the other existing structures would limit any impacts on the character and appearance of the surrounding area. The Council have indicated that the visual impact of the development would be minimal and is not considered to result in significant harm, and I concur with this assessment.
11. For the reasons above, I conclude that the proposed development would not have a harmful impact on the character and appearance of the appeal site or the surrounding area and would therefore comply with TLP Policy DP7 and Policy CSP18 of the Tandridge District Core Strategy, adopted October 2008 (TCS) which amongst other things seek to ensure that new development integrates effectively with its surroundings, reflecting and respecting the character, setting and local context. The proposal would also comply with the Framework insofar as it requires development to be sympathetic to local character.

Living conditions of adjoining occupants

12. The Council contend that the proposal would not cause harm to the living conditions of the existing occupiers of surrounding properties at Garfield Farm nor the converted stables to the south of the site nor Cottages 1 and 2 to the north in respect of outlook, privacy and light.
13. However, concerns have been raised by an interested party in respect to potential noise experienced from the proposed plant room associated with the swimming pool development. There is no information before me in respect to any noise assessment or noise levels associated with this type of equipment. In this case, given there is an existing swimming pool, the use of associated pumps and plant is to be expected, and could be controlled through adequate acoustic insulation and noise control. As such I am satisfied that a condition would be necessary to control this.
14. Consequently, subject to a condition, I conclude that the proposal would not result in harm to the living conditions of the adjoining occupiers with particular reference to noise, outlook, privacy and light. The scheme would be compliant with TLP Policy DP7 and TCS Policy CSP18 which amongst other things, are concerned with safeguarding residential amenity. The proposal is also consistent with the advice in the Framework, which amongst other things, seeks a good standard of amenity for all existing and future occupants of buildings.

Conditions

15. No conditions have been suggested in respect of the proposed development by the Council, however I have attached the necessary conditions in the interests of precision and clarity to establish the time limit for the commencement of development as well as to list the approved drawing numbers. In the interest of the living conditions of adjoining occupiers I have also attached a condition that requires the appellant to submit details of insulation against noise emissions of any pump plant or similar equipment.

Conclusion

16. For the reasons set out above, the proposal would accord with the development plan, when read as a whole and the Framework. Having considered all material considerations and other matters raised, I therefore conclude that the appeal should be allowed.

Robert Naylor

INSPECTOR