



Appeal Decision

Site visit made on 29 November 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2022

Appeal Ref: APP/R3650/D/22/3294874

Tynedale, Station Lane, Enton, Godalming GU8 5AE

- 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 M Kilgannon against the decision of Waverley Borough Council.
 - The application Ref WA/2021/02718, dated 13 August 2021, was refused by notice dated 5 January 2022.
 - The development proposed is extensions and alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 openness of the Green Belt;
- The effect of the proposal on the character of the landscape in the Area of Great Landscape Value (AGLV); and
- If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether or not the development would be inappropriate

3. 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.

4. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites, adopted February 2018 (SPS) states that the Metropolitan Green Belt will be protected against inappropriate development unless very special circumstances exist. Although not included as part of the reason for refusal, the Council has also referenced Saved Policy RD2 of the Waverley Borough Council Local Plan 2002, adopted April 2002 (WLP) which further highlights that extensions to dwellings outside settlement boundaries should not result in disproportionate additions to the original dwelling. In this regard they are broadly consistent with the approach of the Framework.
5. In determining what constitutes a disproportionate addition, WLP Policy RD2, states account will be taken of the relative increase in floorspace together with the form, bulk and height of the proposal in comparison to the original dwelling. The Council highlight that a calculation of external floorspace that exceeds 40% of the original dwelling would be the decisive mathematical factor in assessing 'disproportionate', rather than a volume assessment. However, the Framework refers to 'size' which incorporates increase in terms of volume and external dimensions.
6. The appeal site consists of a two-storey (albeit with living accommodation in the roof space) detached property located on a large plot within a relatively rural location. The host property has been subject to several extensions overtime including a flat roof ground floor extension to the side and rear, a large conservatory on the rear and a box dormer within the roof. The proposal would include the demolition of the existing conservatory and the erection of a two-storey side and rear extension with a hipped roof. Whilst the site is set back from the road, the property and parts of the proposal would be visible from public land.
7. Both parties agree that the proposal combined with the existing extensions would exceed the 40% floorspace of the original dwelling. However, there is some dispute in the final percentage with the Council highlighting the cumulative increase as 65.76%, whilst the appellant indicates it would vary from 61.43% to 65.76%. In any case, the totality of development would clearly represent a significant percentage increase. Furthermore, in terms of its size the scheme would provide a wide seamless extension that would not appear subservient to the host property. As such, the proposal, along with the previous extensions, would therefore represent a significant cumulative increase and result in disproportionate additions over and above the size of the original building.
8. Accordingly, the development would be inappropriate development in the Green Belt. Paragraph 148 of The Framework instructs that substantial weight should be given to any harm to the Green Belt, and that '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.

Openness

9. There are spatial and visual aspects to the assessment of the openness of the Green Belt. In spatial terms, the scheme would provide extensions to the first floor and roof treatment on the side and rear elevations. These extensions would increase the development size, and therefore would have adverse impact on the openness of the Green Belt in spatial terms.

10. With regard to the visual aspect, the property is visible from public vantage points along Station Road and longer views from Tuesley Lane. Whilst the rear extension would only be visible from the garden, the increase in height and mass at the upper floor level to the side when viewed from the front, would be clearly visible from the surrounding area and as such, would intrude upon the openness of it. Nevertheless, the site itself occupies an area amongst other properties, which contrast with the much less developed open spaces that surround the area, and as such overall I would conclude that the scheme would have a modest visual effect on the openness of the Green Belt.

Area of Great Landscape Value (AGLV)

11. Given that the appeal site is an existing property located amongst other buildings, the increase in mass and bulk of the built development, would not alter the essential form or character of the landscape. The overall design of the proposal would preserve the character of the area and would have little impact on the rural nature and would be sensitive to the defining characteristics of the AGLV.
12. The proposal would not therefore harm the landscape character of the surrounding area. As such, it would accord with the principles of SPS Policy RE3 which requires development to respect, and where appropriate enhance, the character of the landscape in which it is located.

Other considerations

13. My attention is drawn to a potential fallback position and a Certificate of Lawfulness¹ issued at the site for a two-storey rear extension, which is significantly larger than the current proposal. Both parties agree that the appeal proposal would have less of a visual impact than the Certificate of Lawfulness scheme when viewed within the context of the application site, and I would concur with this assessment.
14. Where the parties disagree, is in the Certificate of Lawfulness schemes' impact in the wider setting. I find that while the appeal scheme provides a reduced quantum of development, this would not amount to very special circumstances to justify an approval. The appeal scheme would be sited closer to the road and would be in a more prominent position. Although I have found the proposal would have a modest effect on the openness of the Green Belt, the increase in width provides additional bulk and mass, which is more prominent in the wider setting and the AGLV in comparison to the lawful scheme. The more discreet rear location of the fallback scheme would provide only glimpse views from public vantage points from the western side of Station Road and, in my view, would have significantly lesser effects on the Green Belt and surrounding area than the appeal scheme. Whilst this is a realistic fallback position, for the reasons above I apportion this limited weight.
15. The proposal would improve the layout of the existing dwelling and would deliver a larger master bedroom. However, although some of the existing rooms are smaller, the current layout appears to be functional and sufficient to provide a comfortable living environment to its occupants. Accordingly, I give this matter limited weight.

¹ Waverley Borough Council Planning Ref: WA/2017/2399

16. I understand that the appellant has attempted to address the concerns raised by the Council on the previously refused scheme. However, whether or not this scheme is an improvement on that proposal, the Council ultimately refused the application for the reasons stated. I must determine the appeal in this context and on the basis of the proposal and evidence before me now.

Green Belt balance

17. The proposal would constitute inappropriate development in the Green Belt and whilst it would have a modest effect on the openness of the area it would, by definition, be harmful to the Green Belt. As such, the Framework and SPS Policy RE2 requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
18. As explained above, whilst I have identified other considerations that provide benefits, I give these only limited weight in support of the proposal and conclude that, these do not outweigh the harm the scheme would cause. As such the very special circumstances necessary to justify the development do not exist.

Conclusion

19. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR