



Appeal Decision

Site visit made on 15 November 2022

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 FEBRUARY 2023

Appeal Ref: APP/D3640/D/22/3301740

Westview, Clappers Lane, Chobham, Surrey, Woking GU24 8DD

- 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 Richard Field against the decision of Surrey Heath Borough Council.
 - The application Ref 22/0164/FFU, dated 22 February 2022, was refused by notice dated 19 April 2022.
 - The development proposed is described as 'Single storey rear/side extension First floor front extension over existing lounge Window and door modifications Internal modifications.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted plans that did not form part of the original application. While noting that it is described as a lesser scheme, it is distinctly different in detail from the plans considered at the application stage. For this reason, I have concluded, under the principles established in *Wheatcroft*,¹ that to consider this alternative scheme would deprive those who should have been consulted on the changes, the opportunity of such consultation. As such this decision is limited to the consideration of plans and drawings submitted with the planning application.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt; and
 - whether the 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.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

Reasons

Whether Inappropriate Development

4. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate. Paragraphs 149 and 150 of the Framework identifies exceptions to this, which include, at Paragraph 149 c) the extension or alterations of a building provided it is not disproportionate additions over and above the size of the original building.
5. The Council states that the proposal would not amount to a significant addition to the existing dwelling. However, taking account of the previous extensions, the proposal would result in a dwelling that is 55% larger in terms of floorspace than the original building. The Council goes on to conclude that the proposal would therefore be a disproportionate addition over and above the size of the original building, and inappropriate development in the Green Belt. The appellant, in their statement, accepts that the proposal would constitute inappropriate development. The evidence presented by the main parties in this appeal does not lead me to disagree with these findings on this matter.
6. Consequently, the proposal would be inappropriate development which by definition would be harmful to the Green Belt to which I attach substantial weight in this appeal.

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. Part of the proposal would infill an existing gap at the rear of the dwelling, and it would also fill a significant space over an existing single storey extension at the front of the dwelling. Filling this existing space at upper floor level, at the front of the dwelling, would result in a material visual and spatial change which would be observed from the Lane, above the front boundary fence when approaching the property from the east. The proposal would therefore have a greater impact on the openness of Green Belt than the existing development, in that openness would be reduced in this existing space.
9. The loss of openness would be limited, and only apparent from limited vantage points in the immediate vicinity of the property due to surrounding vegetation. It would however have a greater impact on the openness of Green Belt than the existing development, in that the mass of the dwelling at the first-floor level would be slightly increased and there would be a small loss of openness at this part of the property.
10. I therefore 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, harm to the openness of the Green Belt would nevertheless occur; and, as per Framework Paragraph 148, any harm to the Green Belt attracts substantial weight.

Other Considerations

11. The appellant asserts that no harm has been identified in respect to the purposes of the Green Belt. Be this as it may, I have found that the proposal would be inappropriate development in the Green Belt and would also harm openness. The Framework at Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
12. The appeal property has already been substantially extended, and this includes single storey additions. However, I observed that these modest additions, including the flat roof structure at the front, do not appear overly detracting features at the property. The proposal would result in further modest additions, that would extend the side profile of the dwelling at the upper level, and this would be respectful of the character of the appeal property. However, this would maintain the existing pleasant character of the property. Moreover, good design should be an expectation of all development. As such this matter carries limited weight in this case.
13. Also, I note that concerns regarding living conditions of neighbouring residents have not been raised by the Council. However, development should not result in such harm. Therefore, this is a neutral factor in this appeal.
14. The appellant seeks changes to the dwelling so that it would function well as a family home. However, as a sizeable property, I see nothing before me to suggest that the existing dwelling is particularly deficient in this regard. Moreover, the evidence also does not demonstrate that this harmful proposal would be the only means to achieve the requirements of the appellant.
15. This aside, the proposal subject of this appeal seeks to extend the property. I note that the appellant suggests that should this appeal be unsuccessful that they could seek a replacement dwelling. However, there is limited evidence before me to suggest that this represents a realistic proposition were I to dismiss the appeal. Accordingly, I attribute very limited weight to this as a fallback position.
16. It is also highlighted that permitted development rights are a lawful fallback position available to the appellant to achieve their requirements. There is limited information provided to allow detailed consideration of this matter in this appeal. However, the appellant indicates that these rights would result in a single storey development. Although this would increase the floorspace at the property, this would not provide the increased living space at first floor, that is sought by the appellant in this proposal. Consequently, I attached limited weight to this matter also.
17. The appellant has drawn my attention to an appeal decision² where the Inspector concluded that an extension to a dwelling, that resulted in more than a 70% increase, was not disproportionate. That appeal related to a property in a different borough. Moreover, in that case there was dispute between the main parties as to whether the development was inappropriate. This is not the

² Ref: APP/Y3615/W18/3202309

case in this appeal as outlined above. That appeal decision is therefore not directly comparable to this proposal.

18. The appellant has identified a planning permission on Clappers Lane for a new dwelling which was granted in 2016. I note that example has a similar location to the appeal property and is a substantially larger development than this proposal. However, I have limited information about the Council's reasoning on that decision. Also, development elsewhere does not justify harmful development at the appeal property. Therefore, the examples cited by the appellant have limited weight in this appeal for the reasons stated.
19. My attention has been drawn to relevant policies of the Surrey Heath Core Strategy and Development Management Policies and sections of the Framework in respect to social, environmental and economic factors and highways. None of these matters are in dispute in this case. I have also had regard for the positive benefits identified in respect to the local economy and community, but these would be limited given the scale of the development. These matters have not altered my findings in this appeal for these reasons.
20. 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. Balanced against these harms are the other considerations discussed above, which carry limited weight.
21. Even when taken together, and if I agreed with the appellant that the fall-back position suggested in this case holds moderate weight, these considerations do not clearly outweigh the 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.

Conclusion

22. For the reasons stated above and having regard to the development plan as a whole, and all relevant material considerations, including the Framework, the appeal is dismissed.

A J Sutton

INSPECTOR