



Appeal Decision

Site visit made on 4 January 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2023

Appeal Ref: APP/M3645/D/21/3286781

Fidlers Cottage, Lower South Park, South Godstone RH9 8LF

- 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 & Mrs Hinson against the decision of Tandridge District Council.
 - The application Ref TA/2021/1404, dated 30 July 2021, was refused by notice dated 17 September 2021.
 - The development proposed is erection of single storey infill extension.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr & Mrs Hinson against Tandridge District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. My attention has been drawn to various policies in the emerging Tandridge District Council Local Plan, Our Local Plan: 2033, which was submitted for examination in public in January 2019. However, the reasons for refusal do not identify any specific conflict with these emerging policies and I have been given little evidence as to their current status or the expected date of adoption. As such, I have given the emerging Local Plan limited weight in my consideration of this appeal.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt,
 - the effect on the openness of the Green Belt,
 - the effect on the character and appearance of the dwelling and surrounding area, and
 - if the proposal 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

Inappropriate development

5. The appeal site is situated in the Green Belt. Paragraph 149 of the National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt. It goes on to set out a number of exceptions, which include *'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'* (paragraph 149c).
6. Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies adopted 2014 (Part 2 Local Plan) similarly protect the Green Belt from inappropriate development. In relation to the extension of existing buildings, Policy DP13 echoes the wording of the Framework, but proposes a different baseline for the definition of an original dwelling. Based on the evidence provided in this case about the age of the dwelling and the dates of subsequent extensions, the different baselines in the Framework and the Part 2 Local Plan are not material to the outcome of the appeal.
7. The existing dwelling is a two storey detached cottage, providing one bedroom accommodation. A short distance away is a single storey outbuilding, which is a later addition. This provides two similarly-sized rooms, one of which is currently furnished as a bedroom, plus toilet and washing facilities. The proposed single storey extension would connect the dwelling and outbuilding, as well as providing additional living accommodation.
8. While the Council has treated the outbuilding as part of the cumulative extension of the dwelling, the appellant argues that it should be treated as an original building in its own right. On that basis, the appellant considers that the living accommodation in the outbuilding does not contribute to the cumulative additions permissible within the terms of paragraph 149c.
9. The High Court has ruled¹ that extensions to buildings for purposes of paragraph 149c are not confined to physically attached structures and that an extension can include structures which are physically detached from the building of which they are an extension. The question of whether a detached building should be regarded as an extension of another building is a matter of fact and degree.
10. In this case, the outbuilding has a close physical and functional relationship with the dwelling. It is located a short distance from the dwelling, with easy access between the two. The two buildings are intimately grouped together and set apart from other outbuildings, including a garage and shed. There is sleeping accommodation and sanitation in both buildings and the outbuilding is constructed and decorated to a similar standard to that of the dwelling.
11. Having taken account of the above factors, I am of the view that the outbuilding functions as an extension to the dwelling. It should therefore be treated as such for the purposes of paragraph 149c.
12. Based on the various figures provided by both parties, it appears to be common ground that the total volume of additions (including the outbuilding) would more than double the volume of the original building. The Council

¹ Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)

suggests there would be an 137% increase in building volume and the appellant's figures are consistent with that assessment. That would be a very sizable cumulative increase by any definition.

13. At present, the dwelling and outbuilding are seen as two separate and relatively compact structures. In contrast, the proposed development would integrate the outbuilding into a single building mass, extending south from the original building. The combined extensions would have a long, elongated form and would sit at a higher ground level. This would overwhelm the much more compact proportions of the original building, in a manner which I consider to be clearly disproportionate to its size and form.
14. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Policies DP10 and DP13 of the Part 2 Local Plan and with the relevant paragraphs in the Framework, as summarised above.

Openness

15. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal site is located on a rural lane, which is also a public right of way. In the surrounding area, built development is limited, comprising sporadic single dwellings and rural buildings, surrounded by expansive open fields and pockets of woodland.
16. The appeal property is set within a large plot and some distance from the lane. Views of the proposed extension would be limited, due to its distance from the lane and its location between the dwelling and existing outbuilding. Nevertheless, there would be some views of the proposed extension through the boundary vegetation along the lane, particularly in the winter months.
17. The appeal proposal would consolidate the two separate buildings into a single building mass. In so doing, there would be a loss of openness, albeit this would be modest given the scale of the proposal and its location between the existing dwelling and outbuilding.

Character and appearance

18. Despite the existing extensions, the dwelling has cottage-like proportions and detailing, consistent with its rural location and origins as a former stable building. The compact first floor within a steeply pitched roof is a distinctive feature, which contributes to its modest proportions.
19. By joining the existing outbuilding to the dwelling, the proposed development would result in a greatly elongated extension, dominating the more modest proportions of the cottage. The scale of the long, narrow roof would depart significantly from the form of the existing roof, with the difference in ground levels making the extended roof even more dominant. It would look out of proportion and would not integrate successfully with the more compact form of the host dwelling and its roofline.
20. Given the limited public views into this part of the site, the harm to the character of the surrounding area would be limited. Nevertheless, the Framework is clear that good design is a key aspect of sustainable development (Framework paragraph 126) and that development should be attractive, including as a result of good architecture, as well as being

sympathetic to local character (paragraph 130). The existing character and proportions of the dwelling are consistent with the surrounding rural area and the proposed development would not reflect that established character.

21. For the above reasons, I conclude that the proposed development would be harmful to the character and appearance of the dwelling and surrounding area. As a result, it conflicts with relevant paragraphs of the Framework, as identified above. It also conflicts with Policy CSP18 of the Tandridge District Core Strategy adopted October 2008 and Policy DP7 of the Part 2 Local Plan. These policies, amongst other things, require that new development is of a high standard of design that reflects and contributes to local character.

Other considerations

22. A Certificate of Lawfulness has been granted, confirming that a single storey extension could be implemented to the existing dwelling (ref 2021/985). Separately, planning permission has been granted for enlargement of the outbuilding (ref TA/2020/1410). These two extensions, if both implemented, would substantially infill the gap between the dwelling and outbuilding, although they would remain as two separate structures. The outbuilding would also be extended further to the south than is shown on the appeal proposal.
23. The appellant highlights that implementation of both the above proposals represents a potential fallback position, which should be compared with the appeal proposal.
24. Since the two buildings would remain separate, they would not address the appellant's stated desire for all three bedrooms to be located within the same building. Based on the openings shown on the approved plans, it appears that the external route between the buildings would be both longer and less direct than is currently the case. On that basis, the evidence does not clearly demonstrate that there is a real prospect of the alleged fallback schemes being implemented.
25. Furthermore, the single storey extension detailed in application 2021/985 dwelling would have a significantly lower overall height than that of the appeal proposal. Since both extensions would have fully hipped roofs, there would also remain a degree of visual separation at roof level where the two roofs sloped away from each other. The effect on openness would be more limited, due to the lower and less continuous roofline, even when the extension at the southern end of the outbuilding is taken into account. The separate roof structures would also break up the mass of the extensions, so that they would not have the same single, elongated form which I have concluded would be harmful to the character of the cottage.
26. The existing rear dormer window is small and well-integrated with the design and scale of the surrounding roofspace. Therefore, its removal would not be of any particular benefit. While the appeal proposal would establish a single roof line and eliminate a rather awkwardly narrow gap between the buildings, these minor benefits do not to my mind outweigh the adverse effects outlined above. Therefore, having had regard to both the prospects of implementation and its design merits relative to the appeal proposal, I have given the fallback position limited weight.

27. While the accommodation in the existing dwelling is limited, it provides all the facilities required of a self-contained dwelling. Although I have noted the intention to upgrade and renovate the property, there is no clear evidence that the proposed development is essential in order to allow such renovation to proceed.
28. I accept that the proposal would enhance the accommodation available to the current occupiers, but this is a private benefit which attracts limited weight. While accommodating visiting children in a separate building without supervision may be inappropriate, the existing outbuilding appears capable of accommodating separate sleeping accommodation for children and supervising adults, when required.

Conclusion

29. The proposal would be inappropriate development in the Green Belt as defined in the Framework. There would be harm to openness, albeit to a limited extent. The proposed development would also be harmful to the character and appearance of the dwelling and surrounding area.
30. The Framework requires that the harm by reason of inappropriateness be given substantial weight. For the reasons explained above, I give only limited weight to the other considerations cited in support of the proposal, including the potential fallback position. The substantial weight I have given to the Green Belt harm is therefore not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
31. For the reasons set out above, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR