



Appeal Decision

Site visit made on 7 February 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 FEBRUARY 2023

Appeal Ref: APP/L3625/D/22/3306091

Orchard House Park Lane, Reigate, Surrey RH2 8JX

- 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 Oates against the decision of Reigate and Banstead Borough Council.
 - The application Ref 22/01218/HHOLD, dated 25 May 2022, was refused by notice dated 20 July 2022.
 - The development proposed is a two-storey extension and alterations following demolition of existing single storey extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt; and
 - 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

Whether the proposal would be inappropriate development

3. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. Criterion c) of paragraph 149 has been cited by the Council as pertinent to this appeal, which applies to 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.
4. Policy NHE5 of the Reigate and Banstead Local Plan Development Management Plan (RBLP), adopted September 2019 provides that extensions or alterations to buildings in the Green Belt will be permitted where, in combination with any other additions, they would not be disproportionate to the original building. In this regard the policy is consistent with the Framework.

5. Neither the Framework or the RBLP provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement. In determining what constitutes a disproportionate addition, RBLP Policy NHE5, states account will be taken of the relative increase in footprint and floor area together with the massing, bulk, height, positioning and visual prominence of the proposed alteration in comparison to the original dwelling. However, the Framework refers to 'size' which incorporates increase in terms of volume and external dimensions.
6. It is acknowledged that taken in isolation, the proposal would create a modest increase in footprint of 1.55% across the existing property. However, the existing property has been extensively extended overtime, particularly at the rear of the property with the Council indicating that the footprint of the original property has been extended by approximately 107%. The Council further indicate that the proposal despite demolishing the existing single storey porch at the front of the property, would provide an additional 10m² which would equate to a total increase in footprint of approximately 112% above the original property.
7. It is further acknowledged that the site is set well back from the road and screened from the surrounding area within a well-established verdant setting. Furthermore, the proposal would provide alterations and extensions that are considered to blend in well with the traditional finish and would provide a sympathetic design to the host property. Nevertheless, when taken as a whole the scheme would further increase the mass, bulk and volume of the existing property, to a level that would in my opinion be considered disproportionate to the original building.
8. Accordingly, the proposal 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 appeal proposal would increase the footprint over that of the existing development by only 1.55% across the existing property. However, the alterations at the front of the property would also be taller and contain an increase in volume. Whilst the increase would be modest, this is an increase, nevertheless. As such, the proposal would have an adverse impact on the openness of the Green Belt in spatial terms.
10. With regard to the visual aspect, given the set back from the road and the existing green screening, the siting of the proposal would have extremely limited public views despite being located at the front of the property. Furthermore, the site itself is located behind other existing residential properties, and in close proximity to Old Regatian Rugby Club house, all providing built forms which contrasts with the surrounding open space and playing fields. As such, given the ribbon of existing development and variation in design, I conclude in visual terms, the scheme would have no effect on the visual aspect of openness of the Green Belt.

11. Overall, whilst I find there would be no harm to the visual dimension of the openness of the Green Belt, there would be to the spatial dimension. Therefore, the proposal fails to preserve the openness of the Green Belt.

Other considerations

12. I understand that the appellant attempted to address the concerns raised by the Council by reducing massing and bulk through the omission of a two-storey garden wall and gates, as part of the application for the current proposal. However, whether or not this scheme is an improvement on that previous, 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.
13. The Council consider the development has no adverse effect on the character and appearance of the area, does not harm the Area of Great Landscape Value (AGLV) or the amenity of neighbouring occupants, and does not have any impact on trees. Nonetheless, the absence of harm in these regards does not carry positive weight in favour of the development.
14. I have been referred to other examples of new buildings at the rugby club and the new residential development adjoining the appeal site which the appellant considers show inconsistency in decision making by the Council. However, I have not been presented with the full details in respect to the history of these cases and whether or not the schemes were considered disproportional to the original dwelling. In any case, each scheme must be considered on its own merits. While consistency in decision making is important, ultimately, what constitutes an exception under Green Belt policy needs to be determined in the light of the specific circumstances and context of each case. I am not therefore persuaded that these examples are directly comparable to the proposal before me, and they do not alter my views.

Green Belt balance

15. The development plan and the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework goes on to advise 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, is clearly outweighed by other considerations.
16. It is acknowledged that taken in isolation the proposal is a modest and well-designed addition to the host property. Whilst these and other considerations I have identified above could provide benefits, they would carry only limited weight in support of the proposal and I 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

17. 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