



Appeal Decision

Site visit made on 8 February 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2023

Appeal Ref: APP/L3625/D/22/3301698

The Bounty, Mogador, Lower Kingswood KT20 7HX

- 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 Wayne Parlanti against the decision of Reigate and Banstead Borough Council.
 - The application Ref 22/00266/HHOLD, dated 8 February 2022, was refused by notice dated 19 April 2022.
 - The development proposed is single storey side and rear 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 Framework and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - 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 National Planning Policy Framework July 2021 (the Framework) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraph 149 of the Framework.
4. Of relevance to this appeal is that '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' is listed as an exception in paragraph 149c.

5. The Bounty forms part of a terrace of three houses which were originally converted from a larger dwelling. For the purposes of this appeal both main parties' evidence relates to, the 'original building' as the Bounty only. This is the individual building to be extended, as shown within the appeal site and I have therefore proceeded on this basis.
6. The Bounty was a single storey house with a pitched roof. It has been previously extended with a two storey extension. The appellant believes it dates from the 1940s. However, the Council have provided a comprehensive planning history for the property, which includes an 'addition to the existing house' which was granted under reference 71/0214. Based on the evidence before me I conclude that this extension dates from the 1970s. Therefore, for the purposes of paragraph 149c of the Framework, it is an extension to the original dwelling. The Council state that this represented around a 77% increase in floorspace.
7. A first floor extension to form dressing room and shower room was also permitted under reference 20/00182/HHOLD and has been implemented. This resulted in an increase in floor area of around 7 sqm. The proposed development would create a single storey extension, with a floor area of approximately 9sqm.
8. Taken together the two storey extension and first floor extension which have been constructed along with the proposed ground floor extension would increase the floorspace of the original building by 108%. They would also create a dwelling with a much larger footprint, and with a substantial first floor element, compared to the original modest dwelling. Whilst the appeal scheme would not create a new room and would have an overall height lower than the main dwelling, that does not alter the size of the proposed addition relative to the original building.
9. Therefore, the extensions would result in a considerable increase in the size of the original building with the proposed development introducing notable additional massing at ground floor. As such, the proposed development would result in a disproportionate addition over and above the size of the original building.
10. Consequently, for the reasons described above, the appeal scheme is inappropriate development in the Green Belt both in the terms of the Framework, the aims of which are set out above and Policy NHE5 of the Reigate and Banstead Local Plan Development Management Plan (2019) (the DMP) which states that in the Green Belt extensions to building will be permitted where, in combination with any other additions, they would not be disproportionate compared to the original building.

Openness

11. Openness has both spatial and visual dimensions. The single storey rear extension would introduce permanent enclosed built form where currently there is only a an open sided, garden structure and therefore there would be harm to spatial openness. The extensions are likely to be visible from land at the adjoining property and nearby access road. Therefore, in terms of visual intrusion, the would also be harm to openness in this regard.

12. Consequently, for the reasons above, the proposed development would be harmful to the openness of the Green Belt and it would be contrary to the Framework in this regard.

Other Considerations

13. There are no objections from neighbours. However, the lack of harm in these regards is a neutral factor.

Green Belt Balance

14. The Government attaches great importance to Green Belts. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and effect on openness. These issues are not outweighed by the considerations advanced by the appellant. Therefore, the other considerations in this case do not clearly outweigh the harm that I have identified.
15. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with paragraph 148 of the Framework and Policy NHE5 of the DMP the aims of which are set out above.

Conclusion

16. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR