



Appeal Decision

Site visit made on 20 February 2023

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2023

Appeal Ref: APP/K3605/D/22/3302312

Hillview, Seven Hills Road, Walton-On-Thames, KT12 4DD

- 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 John Murphy against the decision of Elmbridge Borough Council.
 - The application Ref 2022/0432, dated 11 February 2022, was refused by notice dated 19 May 2022.
 - The development proposed is single-storey rear extension, rear courtyard, extend the height of roof on existing side elevation, new chimney stack and alterations to fenestration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the decision notice, as it is the most comprehensive description of the proposed works.

Main Issues

3. The site is in the Green Belt, and the main issues are therefore:
 - Whether the development proposed would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies,
 - The effect on the living conditions of neighbouring occupiers with regard to natural light and outlook,
 - The effect on the character and appearance of the area; and,
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site lies within the Green Belt. The National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, an exception applies for the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. The

Framework does not define what would amount to disproportionate additions, but Policy DM18 of the Elmbridge Development Management Plan (the DMP) states that support will be given for proposals that do not result in an increase beyond 25% in volume and 25% in footprint of the original building.

5. The existing house has previously been extended to the side at ground and first floor level. The appeal proposal would replace the first floor extension with a taller and slightly wider extension. In addition, the house would be extended to the rear and a colonnade added to the property.
6. The Council have calculated the original floor area of the house to be approximately 53 square metres, and the volume to be 335 cubic metres. The Council calculates the size of the enlarged dwelling, accounting for the existing and proposed extensions, to be 139 square metres. The appellant suggests that the proposed cumulative volume would be 681 cubic metres. The proposed footprint and volume would both be substantially greater than the 25% increase supported under DMP Policy DM18.
7. The appellant suggests that the demolition of a garage to the rear of the house should be considered in assessing the scale of the proposed development. However, there is nothing before me to indicate that the garage was an original feature of the house, rather than a later addition. I am mindful that a further exception identified in the Framework is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. However, the garage was demolished before my site visit and I have only limited information about its size. From the evidence before me, the total footprint and volume of the rear extension, first-floor side extension and the colonnade would be materially larger than that of the garage and existing side extension.
8. The appellant also contends that the appeal proposal would involve the partial redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. However, the development would involve the significant enlargement of the house with a substantial rear extension and larger side extension and would therefore have a greater impact on the openness of the Green Belt. The appellant has also referred to the test of not causing substantial harm to the openness of the Green Belt, but this is only engaged in cases of affordable housing, and there is no suggestion that this proposal is intended to meet an identified affordable housing need.
9. The appeal proposal would not result in urban sprawl, the prevention of which is the fundamental aim of Green Belt policy. However, by virtue of the cumulative scale of existing and proposed extensions it would nevertheless be inappropriate development so by definition harmful to the Green Belt.
10. The appellant has drawn my attention to the construction of a large retirement home on a neighbouring site. He suggests that the Council has been inconsistent in granting permission for such a large development within the Green Belt. However, from the evidence before me, that approval was for the complete redevelopment of previously developed land. I have no evidence to suggest that was found to be inappropriate development. It therefore differs from the proposal before me, and I can attribute it little weight in determining this appeal.

11. Overall, therefore, the appeal proposal would result in the disproportionate enlargement of the original house and would not fall within any of the exceptions identified in the Framework. It would therefore be inappropriate development in the Green Belt, contrary to Policy DM18 of the DMP and the requirements of the Framework as set out above.

Living conditions

12. The proposed rear extension would project more than 8 metres from the rear of the house, along the boundary with the attached neighbouring property. There is an existing close-boarded fence along this boundary of about 2 metres in height, and the neighbouring property has several ground floor windows facing into its rear garden. The proposed extension would be the same height to its full extent and much taller to its eaves than the existing fence, which steps down in height along the boundary. This combination of greater height and substantial depth would result in the extension being overbearing in the outlook from the rear of the neighbouring property.
13. The proposed rear extension would be a dominant feature immediately to the rear of the neighbouring property. The neighbouring property has a large rear garden that wraps around the rear garden of Hillview. This provides considerable amenity value to that property's occupiers. However, the area immediately to the rear of a house is typically that most used by its occupiers for amenity purposes. I do not consider that the generous rear garden would be likely to change this, nor offset the overbearing presence of the proposed extension as seen from the neighbouring house and garden.
14. The extension would lie to the north of the shared boundary. It would therefore have little impact on the natural light to the neighbouring property.
15. Overall, however, the proposed extension would result in unacceptable harm to the living conditions of the occupiers of the neighbouring property. It would therefore conflict with Policy DM2 of the DMP, which amongst other criteria requires that development protect the amenity of adjoining occupiers, including offering an appropriate outlook.

Character and appearance

16. The original house has been extended to the side with a ground floor and subservient first floor extension. The proposed extension would retain the Dutch gable roof form of the existing side extension, although raised to the same ridge height as the existing roof. The side extension would be finished in materials sympathetic to this pair of rendered semi-detached houses.
17. The extension would not be subservient to the house or pair. However, this is not a requirement of either Policy CS17 of the Core Strategy (the CS) or Policy DM2 of the DMP. The Home Extensions section of the Design and Character Supplementary Planning Document (the SPD) suggests that a subservient roof to a side extension may be acceptable, but also recommends that the eaves of a side extension match those of the original house. Given the roof form and established depth of the existing side extension, I am satisfied that the proposed side extension would appear acceptable in this location.
18. There would be some unbalancing effect to the pair of houses. However, they stand in relative isolation in the street scene and the proposed side extension

would not be significantly wider than the existing. On balance, I find that the effect would therefore be acceptable.

19. The rear extension would be large, but its impact on the wider area would be limited given the restricted views of the site in the wider area. The extension would be set along the shared boundary with the attached neighbouring house, the rear garden of which wraps around the rear garden of Hillview. The extension and colonnade would not therefore be harmful to the character or appearance of the area.
20. Policies CS17 and DM2 and guidance in the SPD collectively seek that development should achieve high quality design and preserve or enhance the character of the area. The extensions would be sympathetic to the appearance of the existing house and of a scale that would not unduly unbalance this pair of semi-detached houses. The appeal proposal would not therefore be harmful to the character and appearance of the area.

Other considerations

21. The Framework requires that substantial weight is given to any harm to the Green Belt. The appeal proposal would be inappropriate development and would also cause harm to the living conditions of neighbouring occupiers.
22. The appellant does not consider that the appeal proposal is inappropriate development. Nonetheless, they have identified considerations that they contend weigh in its favour. The appellant argues that the proposed development would, in accordance with the aims of the Framework, be a more efficient use of the appeal site which they consider to be grossly underdeveloped and underutilised.
23. Furthermore, my attention has been drawn to several permissions for house extensions granted by the Council or on appeal. However, I have not been presented with much detail of these cases, including whether any of the sites fell within the Green Belt. I am therefore only able to give very limited weight to these earlier permissions as it is not possible to determine how similar they are to the proposal before me. I note that in the case allowed at appeal the only main issue related to the effect on the character and appearance of the area. However, I have found that the effect of the proposed development on the character and appearance of the area would be acceptable. This therefore does not increase the weight I can give to that earlier appeal decision in my determination.
24. The more efficient use of the appeal site does weigh in favour of the appeal proposal. However, the benefit would be relatively modest and even taking account of the other permissions to which my attention has been drawn would not be so significant that it would outweigh the Green Belt harm and that to the living conditions of neighbouring occupiers. Accordingly, very special circumstances do not exist in this instance.

Conclusion

25. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR