



Appeal Decision

Site visit made on [Event Date]

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04/04/2023

Appeal Ref: APP/R3650/D/22/3306443

Silver Birch Cottage, Whitmore Vale Road, Hindhead, Surrey GU26 6JA

- 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 Brian Meeke against the decision of Waverley Borough Council.
 - The application Ref WA/2021/0199, dated 14 November 2020, was refused by notice dated 1 July 2022.
 - The development proposed is described as a 1.5 metre extension to the ground floor sitting room to the rear garden elevation and a corresponding extension to the first-floor master bedroom to form an en-suite bathroom, and a single storey extension to the northwest elevation to provide an ensuite bathroom to the ground floor bedroom.
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Decision

1. The appeal is allowed and planning permission is granted for a 1.5 metre extension to the ground floor sitting room to the rear garden elevation and a corresponding extension to the first floor master bedroom to form an en-suite bathroom, and a single storey extension to the north west elevation to provide an en-suite bathroom to the ground floor bedroom at Silver Birch Cottage, Whitmore Vale Road, Hindhead, Surrey GU26 6JA in accordance with the terms of the application, Ref WA/2021/0199, dated 14 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 010A and 012A.
 - 3) The development hereby permitted shall use materials in the construction of the external surfaces that match those used in the host dwelling.
 - 4) The development hereby permitted shall be carried out in accordance with the mitigation and enhancement measures and recommendations as set out in the Preliminary Ecological Appraisal, Bat Survey Report and Mitigation Strategy by CC Ecology dated October 2021, and the bat box and enhancement recommendations shall thereafter be retained.

Main Issue

2. The main issue is whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.

Reasons

3. The appeal site contains a detached two-storey dwelling set within a substantial plot screened from Whitmore Vale Road by a tall and dense hedge. The topography of the site slopes away from the road and is almost entirely enclosed by mature trees and hedges, with the rear portion of the site laid to woodland. It is located within a loose ribbon of residential development along Whitmore Vale Road, located within the Green Belt.
4. Paragraph 149 of the Framework states that the construction of a new building is inappropriate in the Green Belt but sets out 7 exceptions to this. Paragraph 149 c) allows for 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.
5. Policy RE2 of the Waverley Local Plan (Part 1) 2018 (LP) refers directly to the Framework, whilst criterion a) of Policy RD2 of the Waverley Local Plan 2002 (LP2002) sets out a similar test to Paragraph 149 c). Criteria b) and c) of Policy RD2 seeks to reduce the impact of extension on the character and appearance of the host dwelling, and its wider rural setting.
6. The Council states that cumulatively the proposal would constitute an overall increase in floorspace of 60% above that of the original dwelling. Explanatory paragraph 11.28 (v) of LP2002, states that although an increase in floorspace of more than 40% is unlikely to satisfy criterion a) of Policy RD2, when assessing whether an extension is disproportionate, regard should be given to the effect the proposal would have on the rural character of the area in general and of the overall scale of development on the site. Policy RD2 also requires consideration of the form, bulk, and height of that proposed when considering whether a proposal is inappropriate. Hence the assessment of whether an extension is disproportionate should not be limited to a mathematical equation.
7. The proposed single storey extension would not extend beyond the adjacent rear or side elevations of the existing dwelling. It would be positioned on an existing area of hard standing partially enclosed by retaining walls, due to the topography of the site. Therefore, due to its modest form and height it would not visually compete with the appeal dwelling and its bulk would be contained within the parameters of the existing built form.
8. Although the proposed two storey extension would extend beyond the side elevation of the appeal property, it would be modest in size and form. It would add additional mass to the building by converting the cat-slide roof into a hipped gable, however this would be within the existing footprint of the appeal dwelling so would not significantly add to the overall bulk of the building. It would not extend beyond the front or rear elevation nor exceed the existing roof height, so would be visually subservient to the existing dwelling and not overwhelm it.
9. Consequently, the proposal, although exceeding the 40% guideline linked to LP2002 Policy RD2, would not overwhelm the appeal dwelling in terms of form, bulk, and height due to the subservient form and modest size of both proposed extensions. The proposal would, therefore, retain the appeal dwellings overall scale and, due to the proposed extensions' locations within the existing built envelope of the site, would maintain the compact nature of the built form

within the appeal site. Thus, the proposed extensions would not result in disproportionate additions over and above the size of the original building.

10. The proposal is of a form, style, and design commensurate to the appeal dwelling so would not adversely impact its overall character and appearance, and the well screened nature of the appeal site would ensure it would not visually intrude into the landscape or detract from the surrounding rural character. The proposal would, therefore, also comply with criteria b) and c) of LP2002 Policy RD2.
11. In conclusion, the proposal would not be inappropriate development in the Green Belt and would comply with paragraph 149 c) of The Framework, LP Policy RE2 and LP2002 Policy RD2.
12. As the proposal would not be inappropriate development, it is not necessary to further consider the effect of the proposal on the openness of the Green Belt or whether very special circumstances are necessary.

Other Matters

13. The appeal site is in the Surrey Hills Area of Outstanding Natural Beauty (AONB). AONBs are designated for the purposes of conserving and enhancing natural beauty, and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to consider these purposes in this decision. The Council did not object to the appeal scheme in this regard and I agree that due to the modest scale of the proposal and lack of significant visual impact, the special qualities of the AONB would not be adversely affected.
14. The appeal site is within the respective 1km and 5km buffer zones of the Wealden Heaths II Special Protection Area (SPA) and the Wealden Heaths I SPA. However, as the proposal would not materially alter the use of the appeal site nor intensify the existing residential use, I am satisfied it would not have a likely significant effect on the internationally important features of the SPAs either alone or in combination with other nearby development.
15. A small occasional day roost for common pipistrelle bats was identified in the appeal dwelling and the proposed development could affect this. The site is also within 500m of an ancient woodland. However, the appellant's Preliminary Ecological Appraisal, Bat Survey Report and Mitigation Strategy provides appropriate actions to mitigate any potential effect on the bats, as well as suitable enhancements to improve the site's biodiversity and by association the surrounding habitats. This has been scrutinised by the Surrey Wildlife Trust (SWT), and no objections have been raised by interested parties on this issue. The Council are satisfied the proposal could conserve and enhance biodiversity and on the evidence before me, I agree with this conclusion.

Conditions

16. The Council and SWT has suggested some conditions which I have considered against advice in the Framework and Planning Practice Guidance. In addition to securing commencement within the relevant statutory timeframe, I have also imposed conditions requiring adherence to the approved plans and that matching materials should be used to ensure the proposal integrates acceptably with the character and appearance of the area. Condition 4 is necessary to ensure the proposal would make a positive contribution to biodiversity as required by LP Policy NE1 and set out above.

Conclusion

17. For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, allowed.

RJ Redford

INSPECTOR