
Appeal Decision

Site visit made on 3 March 2023

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 APRIL 2023

Appeal Ref: APP/P5870/D/22/3307784

190 Banstead Road, Sutton, Banstead SM7 1QG

- 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 and Mrs Sabir against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2022/00877, dated 7 May 2022, was refused by notice dated 15 July 2022.
 - The development proposed is first floor extension over existing porch and canopy roof.
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Decision

1. The appeal is allowed, and planning permission is granted for first floor extension over existing porch and canopy roof at 190 Banstead Road, Sutton, Banstead SM7 1QG in accordance with the terms of the application, Ref DM2022/00877, dated 7 May 2022, 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 approved plans EP2297PL02-1B, EP2297PL02-2B, EP2297PL02-3A; and Fire Safety Strategy; and
 - 3) the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and thereafter be retained.

Main Issues

2. The main issues are:
 - (a) 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; and
 - (b) effects on the character and appearance of the area.

Reasons

Inappropriate Development in the Green Belt

3. The site includes a two storey detached dwelling with attached garage to the side. The site is located within the Green Belt and in an area predominately residential in character.

4. Policy 24 (e) of the Sutton Local Plan 2018 establishes that the Council will grant planning permission for extensions to, alterations to and the replacement of an existing building or structure in the Green Belt provided that the increase in the external volume of the built form is no greater than 30% above the size of the original building or structure.
5. It is clear from the evidence presented that the proposal would contribute to an external volume greater than 30% above the size of the original building. This is based on the previous appeal at the site, where the cumulative extent of existing additions was established as amounting to 53%¹.
6. However, I am not persuaded that the proposal changes the existing situation to any meaningful degree. It would add an additional storey to the existing single storey porch but be broadly consistent in depth and width. It would also include a canopy of limited depth over the entrance door.
7. Even with the limited canopy, the footprint of the original building would not change to any significant extent, and the height of the additions would sit below the ridgeline of the original building. In volume terms, the additions would amount to around 10.75m³, which as demonstrated by the appellants in their submissions, would equate to a very limited percentage increase in the overall volume of the original building.
8. Paragraph 149 (c) of the Framework makes clear that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it involves the extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building. Given my assessment above, I cannot conclude that the proposal would result in disproportionate additions to the original building.
9. Overall, whilst the proposal would conflict with Policy 24 (e) of the Sutton Local Plan 2018 on the basis it contributes to an exceedance of 30% volume of the original building, it would not be a disproportionate addition. Consequently, the proposal would enjoy exception status under Paragraph 149 (c) of the Framework and would not be inappropriate development.
10. In *Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor* (Rev 1) [2016] EWCA Civ 404, the Court of Appeal endorsed the conclusion of Dove J in the High Court.
11. As such, where development is found to be 'not inappropriate' it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt.
12. Consequently, having answered the question of whether the proposal is disproportionate to the original dwelling and concluding it would not be inappropriate development, a separate assessment of openness or very special circumstances is not necessary in this particular case.
13. Overall, and on balance, Paragraph 149 (c) of the Framework is a material consideration indicating that a decision on this main issue should be taken otherwise in accordance with Policy 24 (e) of the Sutton Local Plan 2018.

¹ As a worst case scenario, acknowledging the appellants' revised figures submitted with the appeal in this case.

14. It also follows that the proposal would accord with Policy G2 of the London Plan 2021, which seeks to protect the Green Belt from inappropriate development. As such, and altogether, there would not be conflict with the development plan as a whole on this main issue.

Character and Appearance

15. Policy 28 of the Sutton Local Plan 2018 states that the Council will only grant planning permission for extensions provided the new development respects the local context and responds to the local character.
16. It follows from my previous assessment about whether the proposal would be a disproportionate addition to the original building that there would be an appreciable degree of subordinate scale and massing.
17. Particularly due to consistency in depth and width with the original porch, meaning it would not present as top heavy, and the relationship with the eaves and ridgeline of the original dwelling would be acceptable.
18. It is also clear, looking at the elevation plans, that the proposal would take up a relatively small proportion of the overall frontage, reinforcing perceptions of subordinate design.
19. Indeed, I agree with the appellants that the proposal creates a better balance at the front elevation because, whilst it has an acceptable degree of subordinate scale and massing, the design language of the entrance would be more legible.
20. As such, the proposal would not detract from the existing dwelling, or from the street scene along Banstead Road within which it sits.
21. Overall, the proposal would not harm the character and appearance of the area or conflict with Policy 28 of the Sutton Local Plan 2018 or the guidance within SPD4 - Design of Residential Extensions 2006. Among other things, these seek to ensure development is of a suitable scale, massing and height to the setting of the site.

Conditions

22. Conditions were recommended by the Council within their appeal questionnaire. Standard conditions in relation to time limits and plans are deemed necessary in the interests of certainty. A condition in relation to materials is necessary in the interests of preserving the character and appearance of the area.

Conclusion

23. For the reasons given, the appeal is allowed, and planning permission is granted in accordance with conditions.

Liam Page

INSPECTOR