



Appeal Decision

Site visit made on 18 April 2023

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2023

Appeal Ref: APP/M3645/D/22/3306714

Bantilly Place, Plough Road, Smallfield Surrey RH6 9JN

- 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 Foster against the decision of Tandridge District Council.
 - The application Ref TA/2022/345, dated 7 March 2022, was refused by notice dated 23 August 2022.
 - The development proposed is 'erection of single storey utility and WC. Increase of existing front wall height to 2.8m'.
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Decision

1. The appeal is allowed and planning permission is granted for 'erection of single storey utility and WC. Increase of existing front wall height to 2.8m' at Bantilly Place, Plough Road, Smallfield, Surrey RH6 9JN in accordance with the terms of the application Ref TA/2022/345 dated 7 March 2022 subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 0349.1 Location and block plan, 0349.2 existing plans and 0349.3 As Built Plans.
 - 2) 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.

Preliminary Matter

2. At my visit, I saw that the development was nearly complete. I have dealt with the appeal based on the submitted plans, which ostensibly align with the development undertaken.

Main Issues

3. The main issues are whether or not the proposal would be inappropriate development in the Green Belt; the effect of the proposal on the openness of the Green Belt; and if the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

4. The National Planning Policy Framework ('the Framework') outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It continues that

the construction of new buildings should be regarded as inappropriate in the Green Belt, although some exceptions to this principle are specified. These include 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 DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014 ('the LPP2') similarly sets out that the construction of new buildings will be regarded as inappropriate in the Green Belt, but that exceptions include the extension or alteration of buildings where the proposal does not result in disproportionate additions over and above the size of the original building as it existed at 31 December 1968 (for dwellings), or, if constructed after the relevant date, as it was built originally.
6. The appeal dwelling is a detached bungalow with accommodation at roof level served by dormers and rooflights. The appellant has not challenged the Council's estimates which set out that the volume of the development now proposed together with previous extensions to the dwelling would amount to around 74-97% of the volume of the original building. This would be considerable. While assessment of whether additions would be disproportionate should not rely solely on a mathematical comparison of size, I consider in this case that the extent of the development now proposed in combination with the previous extensions amounts to disproportionate additions when considered as an extension. The proposal does not therefore comprise an exception to inappropriate development under the terms of either Policy DP13 of the LPP2 or the Framework.
7. That said, the Council's evidence does not suggest that the proposal causes further harm to the Green Belt through loss of openness. In this case, the utility and WC is of modest single-storey height with a flat roof to a similar height as the top of the eaves of the dwelling, and is of markedly lesser width, depth and overall scale than the existing host building. It is also well screened from Plough Road by the wall to the front boundary of the site as altered by the proposal. The Council's report on the application does not argue that the alterations to the boundary wall would be inappropriate or unacceptable, and based on my observations at my visit, it does not appear out of place or overbearing in this location. Where there are views of the development, its siting positioned against this wall and the dwelling together with its limited height and scale mean that it is a discreet and unobtrusive feature on the site. These factors significantly moderate the effect of the development on the Green Belt in both spatial and visual terms, and I find that any loss of openness from the existing situation would be very limited. Similarly and noting its position forward of the dwelling and alongside Plough Road, I find that the development would not cause a tangible increase in the sprawl of built up areas or merging of towns, or in encroachment into the countryside in conflict with the purposes of Green Belt as stated in the Framework.
8. Moreover, the appellant points to Policy DP14 of the LPP2 which states that new ancillary domestic buildings in the curtilage of dwellings located in the Green Belt will be permitted subject to 4 criteria. I acknowledge that one corner of the development is built up to the corner of the appeal dwelling. However, the overlap is marginal and there would be no internal connection between them, nor realistic scope to provide one in future. I consider having regard to the layout and relationship of the development with the dwelling including the lack of internal connection, the design and arrangement of

fenestration, and the nature of the proposed use for a WC and utility room that it would effectively function and be appreciated as a separate, ancillary building despite physically adjoining the dwelling. As a result and from the information before me, I find having regard to the specific circumstances in this case that it is reasonable to consider the proposal as an 'ancillary domestic building'.

9. Turning to the requirements within Policy DP14, the WC and utility room is of very modest height and overall scale compared to the host dwelling. Irrespective of the cumulative increase in volume over the original building, it is far from excessive in size having regard to the size of the existing dwelling that it would serve which is the comparison required within Policy DP14. Given also my view above that it is unobtrusive on the site, I find that it does not constitute a dominant feature, and accordingly the proposal complies with the first criterion of Policy DP14.
10. The Council found that the proposal would be acceptable in terms of character and appearance. I agree, and I am satisfied that it would comply with the second criterion which requires that development does not detract from the rural character or appearance of the locality. The appellant advises that the development would not replace any existing garage that has been converted to residential use, and I have no firm reason to find differently. On that basis, there would be no conflict with the third criterion. I am also satisfied that the indicated use of the building would accord with the fourth criterion of Policy DP14 which sets out that development should not be used for any purpose that is not incidental to the enjoyment of the dwelling.
11. As a consequence, the proposal would comply with each of the criteria within Policy DP14, and I find that the development would be a reasonable addition that would be clearly subservient to the host dwelling in terms of its function, design and scale. The supporting text to Policy DP14 outlines that compliance with the policy would in effect constitute very special circumstances for inappropriate development to be permitted.
12. Furthermore, the appellant has drawn my attention to permitted development rights that could allow for a detached outbuilding on the site, albeit in a different location to the appeal development. While I have no firm details of any permitted development scheme, it seems to me that a fully detached outbuilding could result in a greater overall spread of built form across the site and comparable or greater impact on the openness of the Green Belt to the appeal scheme in both spatial and visual terms. I consider that there would be a realistic prospect of such development coming forward as an alternative to the current proposal in the event that the appeal were to be dismissed. I have therefore taken this into account as a fallback position, and I regard it as an important consideration which weighs in favour of the proposal.
13. Drawing matters together, the proposal would not accord with LPP2 Policy DP13 and would comprise inappropriate development which is by definition harmful to the Green Belt. In accordance with the Framework, I give substantial weight to this harm, and to the loss of openness, albeit that any harm in this latter regard would be very limited. However, I conclude that the accordance with Policy DP14 of the LPP2 and the permitted development fallback are other considerations of sufficient weight and importance to clearly outweigh the harm to the Green Belt by reason of inappropriateness and the harm to openness. I therefore conclude that there are very special

circumstances which indicate that the development should be approved. On this basis, the proposal would comply with Policy DP10 of the LPP2 which provides that proposals involving inappropriate development in the Green Belt will only be permitted where very special circumstances exist to the extent that other considerations clearly outweigh any potential harm by reason of inappropriateness and any other harm.

Conditions

14. The development has commenced and it is not therefore necessary to specify a time limit for implementation. I have however imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. I have also imposed a condition to control the external materials which is necessary in the interests of the character and appearance of the area.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR