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# Appeal Decision

Site visit made on 21 March 2023

**by Alexander O'Doherty LLB (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 May 2023**

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**Appeal Ref: APP/C3620/D/22/3292444**

**Pixiewood House, Reigate Road, Dorking RH4 1PA**

- 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 & Mrs N Claxson against the decision of Mole Valley District Council.
  - The application Ref MO/2021/0017/PLAH, dated 7 January 2021, was refused by notice dated 25 November 2021.
  - The development proposed is described on the application form as, "Removal of existing roofs. Construction of first floor extension and roofs".
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has changed to, 'Raise roof ridge height to allow first floor extension including balcony to rear'. As the application was determined on the basis of the revised description, I have determined the appeal on the same basis.

## Main Issues

3. The main issues are:
  - 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;
  - the effect of the proposal on the openness of the Green Belt;
  - the effect of the proposed development on the character and appearance of Pixiewood House and the surrounding area; and
  - 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 Inappropriate Development*

4. The appeal site is in the Green Belt and in this regard the Framework establishes that the construction of new buildings within the Green Belt is

inappropriate development. There is a closed list of exceptions to this in paragraph 149 of the Framework. One of which relates to 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 (paragraph 149 c) of the Framework).

5. Whilst Policy RUD7 of the Mole Valley Local Plan (adopted 2000) (Local Plan) does not specifically refer to Green Belts but instead refers to the extension of dwellings in the countryside, its supporting text, at paragraph 5.43 of the Local Plan, refers to protecting the open character of the countryside within and beyond the Green Belt. Similarly, paragraph 5.47 of the Local Plan refers to the objective of safeguarding the openness of the Green Belt. Paragraph 5.6 of the Local Plan, within the same chapter of the Local Plan as Policy RUD7, also provides that, "The protection of the Green Belt and wider countryside is the foundation on which the Plan's policies for development in the rural areas have been prepared. They seek to prevent inappropriate development in the countryside and to protect the character and function of villages by resisting development that would result in their urbanisation or their encroachment into the countryside".
6. Given these references to Green Belt-related concepts such as openness, inappropriate development, and encroachment into the countryside, all of which are found within chapter 13 of the Framework which relates to protecting Green Belt land, I consider that Policy RUD7 is not merely a 'landscape policy'.
7. In any event, the formulation of the text in criterion 1. of Policy RUD7, which refers to 'a disproportionate addition over and above the size of the original dwelling', closely resembles the corresponding text in paragraph 149 c). Furthermore, criterion 1. does not refer to the landscape, but rather requires the assessment of a proposal to be against the baseline of the original dwelling, in similar terms to paragraph 149 c). On this basis, I consider that criterion 1. of Policy RUD7 is broadly consistent with the Framework and that it is relevant to the question of whether the proposal constitutes inappropriate development in the Green Belt.
8. Both criterion 1. of Policy RUD7 and paragraph 149 c) of the Framework specifically refer to 'size', in considering whether any disproportionate additions over and above the original dwelling / building would occur. Accordingly, taking account of the guidance given in paragraph 5.44 of the Local Plan, size is the focus of my assessment under this main issue. Matters relating to the character and appearance of Pixiewood House and the surrounding area, and the protection of the countryside from a landscape perspective are dealt with later in this decision.
9. The proposal would add an additional storey to the existing single-storey dwelling. The Council have calculated that the proposal would result in an approximately 112% increase in floor area over and above the size of the original dwelling, and this specific figure has not been disputed by the appellants. This percentage increase in size over the original building would clearly be substantial.
10. It is also the case that, according to figures provided by the main parties, Pixiewood House would be increased in height from a maximum ridge height of approximately 5.8 metres to a maximum height of approximately 11.4 metres, and the existing eaves to ridge height would be increased from approximately

2.5 metres to approximately 5.7 metres. As such, the proposal would markedly increase the height of Pixiewood House, resulting in a property of greatly increased bulk than that which presently exists.

11. Taking all of the above into account, although the footprint of Pixiewood House would not be increased and the site is situated in a secluded location, the proposal would result in disproportionate additions over and above the size of the original building. It would not therefore benefit from the exception to inappropriate development provided for at paragraph 149 c) of the Framework. Inappropriate development is, by definition, harmful to the Green Belt and so does not serve any of the purposes of the Green Belt.

### *Openness*

12. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
13. Given the markedly increased height and bulk pertaining to Pixiewood House that the proposal would cause, referred to in the first main issue above, the openness of the Green Belt would not be preserved, but rather would be unduly reduced in both spatial and visual terms. Although given the secluded nature of the site and noting that the footprint of Pixiewood House would not be increased, the impact upon openness would be both limited and localised, actual harm would nevertheless result to the Green Belt.

### *Character and Appearance*

14. Pixiewood House is a large detached single-storey dwelling with an attached garage, situated in a generously-sized plot. The proposal, by way of the introduction of an additional storey and a noticeably enlarged roof, would expand Pixiewood House to such an extent that it would appear virtually as a new dwelling. Whilst the proposal would follow the footprint of the existing dwelling and would match the existing dwelling in terms of the proposed materials and fenestration design, the resulting dwelling would be of a far grander scale than Pixiewood House as existing, with a top-heavy appearance and a much larger silhouette.
15. As such, although the symmetry of Pixiewood House would be preserved and the use of the extra accommodation would form part of the existing residential unit, the proposed development would serve to erode much of the simple and legible appearance of the existing low-slung dwelling, thereby noticeably detracting from the existing appearance and character of Pixiewood House.
16. Pixiewood House is situated in a secluded and verdant location and therefore any public views of Pixiewood House as extended would likely be very limited, meaning that the proposal would not cause harm to the character and appearance of the area. However, this does not alter the harm that the proposal would cause to Pixiewood House itself.
17. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of Pixiewood House. It would conflict with criterion 2. of Policy RUD7 which provides that, amongst other things, in the countryside outside boundaries of the villages defined in

accordance with Policies RUD1, RUD2 and RUD3, proposals for the extension of dwellings will be permitted where they would not detract from the appearance and character of the existing dwelling.

18. The proposal would also conflict with paragraph 130 b) of the Framework which provides that, amongst other things, planning decisions should ensure that developments are visually attractive as a result of good architecture, and with paragraph 134 of the Framework which provides that, amongst other things, development that is not well designed should be refused.

#### *Other Considerations*

19. The Framework makes it clear at paragraph 148 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. It is common ground between the main parties that the proposal would conserve the landscape and scenic beauty of the Area of Outstanding Natural Beauty (AONB) and the Area of Great Landscape Value (AGLV) within which the site sits. I have no evidence to indicate otherwise. However, these are neutral matters, which do not weigh in favour of the proposal. As the protection of Green Belt land is subject to specific planning policies, including those within chapter 13 of the Framework, the absence of harm with respect to the protected landscapes comprising the AONB and the AGLV does not change my findings in relation to any of the main issues in this appeal.
21. The proposal would provide enhanced living accommodation for the appellants and for any future occupiers of Pixiewood House. However, as this would mainly offer benefits of only a private nature, this consideration attracts limited weight in favour of the proposal. The proposal would provide work for construction professionals and provide for local investment during the construction phase, although considering that the proposal relates to Pixiewood House only, the economic benefits in these respects would likely be limited.

#### *Balancing of Considerations*

22. The proposal would be inappropriate development in the Green Belt and would result in a reduction in its openness. These matters carry substantial weight. The proposed development would also have an unacceptable and harmful effect on the character and appearance of Pixiewood House, which is a matter to which I accord moderate weight.
23. Cumulatively, the benefits of the proposal would be modest, and accordingly they attract no more than moderate weight in favour of the proposal. As such, I find that these benefits do not clearly outweigh the harm that I have identified.
24. It follows that the very special circumstances necessary to justify the proposal do not exist. Therefore, the proposal would not comply with criterion 1. of Policy RUD7 of the Local Plan, and neither would the proposal contribute to the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open, as per paragraph 137 of the Framework.

## **Conclusion**

25. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

*Alexander O'Doherty*

INSPECTOR