



Appeal Decision

Site visit made on 16 May 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2023

Appeal Ref: APP/C3620/D/22/3311267

48 The Glade, Fetcham, Surrey KT22 9TJ

- 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 Mohan Hashemi against the decision of Mole Valley District Council.
 - The application Ref MO/2022/0478/PLAH, dated 14 March 2022, was refused by notice dated 31 August 2022.
 - The development proposed is the demolition of existing rear and front porches, and erection of part single storey and part two-storey side/rear extension, front two-storey extension and associated internal alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The extent and spelling of the appellants' names differ slightly between the application and appeal forms. In the banner heading above, I have taken the name used in the application form.

Main Issues

3. The main issues are:
 - a) whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - b) the effect of the proposal on the openness of the Green Belt; and
 - c) 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 National Planning Policy Framework (the Framework) advises that in the Green Belt, development should be regarded as inappropriate. However, Paragraphs 149 and 150 set out exceptions, where subject to certain requirements, development in the Green Belt might not necessarily be considered inappropriate.

5. Paragraph 149(c) of the Framework states that the extension or alteration of a building is not inappropriate development in the Green Belt provided it does not result in disproportionate additions over and above the size of the original building. The Framework does not explain what is meant by 'disproportionate'. It is a matter therefore of planning judgement.
6. Policy RUD7 of the Local Plan is not explicitly directed to development within the Green Belt, but more generally to development outside the boundaries of villages. Nevertheless, it is applicable to Green Belt locations and is consistent with the Framework insofar as it also seeks to ensure extensions to dwellings do not result in disproportionate additions over and above the size of the original dwelling.
7. The main parties disagree on the floorspace of the original dwelling and that of previous extensions. Whereas the Council has calculated the proposed extension together with previous extensions to represent a cumulative increase in floorspace of 144 sqm (124%), the appellants indicate it to be 122 sqm (88%). The appellants also note that the footprint increase would be smaller than the floorspace, at 70%. However, the Framework and Local Plan policy refer to 'size', which is more than just floorspace or footprint. Indeed, the supporting text to the Local Plan policy refers to controlling the scale of extensions and ensuring that extensions are not out of proportion in terms of their form, bulk and prominence.
8. Even if I were to accept the appellant's figures, the previous extensions nonetheless include a two storey and a single storey extension. The proposed part single/part two storey additions now seek to enlarge part of the front, side and rear of the building. When taken in the context of scale, form, bulk and prominence and not just the floorspace or footprint of those additions, there would be a substantial increase when compared against the relatively modest original property.
9. As a matter of judgement, I conclude that the cumulative increase in the building's size cannot reasonably be considered to represent anything but disproportionate additions over and above the size of the original building, which is the test of the Framework. In addition to conflicting with Paragraph 149(c) of the Framework, the proposal would also be contrary to Policy RUD7 of the Local Plan.
10. The proposal is therefore inappropriate development in the Green Belt. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

11. Paragraph 137 of the Framework states: 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. Openness is not defined in the Framework but in determining the nature and extent of any impact on Green Belt openness it is necessary to assess both spatial and visual impacts.
12. The proposal would principally result in building above the existing single storey side element, extending the lounge area at ground floor level to infill the

side of the existing building and some works to the rear elevation at first floor level. Particularly in the case of the upward and rearward extensions, there would be large elements of built form where none previously existed. Consequently, there would be some spatial loss of openness of the Green Belt.

13. The property is set back from the road and there is some tree and boundary planting, as well as the existing garage, which all help to screen the building. Nevertheless, the additional height and depth that is proposed to the dwelling would be visible from the road when passing.
14. Although the site and proposed extensions might not be visible from the rear and a gap would be retained to the nearest neighbour, these would not alleviate the loss of openness to the Green Belt that I have identified. Whilst the overall effect on openness might be limited and localised, harm to the openness of the Green Belt would nevertheless occur; and, as per paragraph 148 of the Framework, any harm to the Green Belt attracts substantial weight.

Other Considerations

15. The works are said to be sympathetic to the existing dwelling, as well as to the neighbouring occupiers, the highway and the site's ecology. However, these were not contentious issues in this appeal and a lack of harm in these respects should be an expectation of all development. Therefore, they are neutral factors in this appeal.
16. It has been pointed out that the appeal property sits within a large plot and that the dwelling would only take up some 3.6% of it. In this case, the proposal sits within the Green Belt where particular restrictions apply and where there is a strong policy imperative to maintain the openness of the area. Consequently, the assertions in respect of the overall size of the plot do not alter my conclusions on the disproportionateness of the proposal.
17. I appreciate that some neighbouring properties may have similar or larger sizes or footprints than that proposed in this appeal. However, there is no requirement to ensure that dwellings in The Glade are of a similar size.
18. I have also been referred to other decisions, some at appeal, which have permitted larger dwellings or extensions in the Green Belt, albeit not all are within the same local authority area. Favourable comparisons are made with the current proposal, particularly in terms of percentage increases. This nonetheless indicates to me that proportionality is not necessarily solely limited to floorspace or footprint and a proposal has to be judged as a whole, taking into account each site's particular circumstances and context, as has been done above. I am also mindful of the need to consider each case on its own merits.
19. Reference is made to Policy EN1 of the Draft Mole Valley Local Plan. Although it has been submitted for examination, I am not aware that the examination has reached a stage where significant weight can be given to this particular policy. Notwithstanding this, in relation to this particular appeal the policy is broadly consistent with the Framework and Local Plan Policy RUD7 in terms of seeking to ensure extensions are not disproportionate in size to the original building. The supporting text directs the decision maker to consider the design, bulk and mass of the proposed alterations and their impact on the scale of the building, in addition to its impact on openness. I am satisfied that this wording would

not alter my overall assessment or findings in regard to the disproportionate size of the proposal.

Green Belt and Planning Balance

20. The development is inappropriate development in the Green Belt which by definition is harmful. It would also result in a small loss of openness of the Green Belt. As such, the Framework requires that the harm I have identified be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is not just outweighed but clearly outweighed by other considerations.
21. The weight I could ascribe to those considerations in favour of the proposed development would be limited and insufficient to justify the proposed development owing to the substantial weight that should be ascribed to any harm to the Green Belt. Very special circumstances do not therefore exist.
22. The conflict with the Framework policies for the Green Belt would provide a clear reason for refusing the development. I also find that the development is contrary to the development plan taken as a whole. I have considered all other matters raised but none outweigh the conclusion I have reached.

Conclusion

23. For the reasons set out above, the appeal should be dismissed.

Stewart Glassar

INSPECTOR