



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/Z5630/D/22/3311559

367 Leatherhead Road, Chessington KT9 2NQ

- 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 Peter Woods against the decision of the Royal Borough of Kingston Upon Thames.
 - The application Ref 22/02352/HOU, dated 18 July 2022, was refused by notice dated 23 September 2022.
 - The development proposed is the erection two-storey side, single-storey rear, single storey-front extensions with new porch. rear dormer roof extension with installation of 2 no front rooflights to facilitate loft conversion.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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;
 - c) the effect of the proposal on the character and appearance of the dwelling and wider area; and
 - d) 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

3. 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.
4. 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'.

5. Policy DM5 of the Council's Local Development Framework Core Strategy 2012 (CS) seeks to limit stated detrimental impacts on the Green Belt, in accordance with national guidance. The London Plan 2021 (LP) similarly seeks to protect the Green Belt from inappropriate development. Neither policy includes criteria to indicate what would amount to a disproportionate addition over and above the size of the original building. It is therefore a matter of planning judgement.
6. The Officer Report indicates that the proposal would result in a 109% increase over the dwelling's original floorspace and a 147% increase over its original footprint. The appellant does not dispute these figures.
7. The Framework policy refers to 'size', which can be more than just floorspace or footprint. However, when taken in the context of scale, form and bulk the additions would equate to a substantial increase in the property when compared against the original size. Given the relatively modest scale of the original property, as a matter of judgement, I conclude that the proposal would equate to disproportionate additions over and above the size of the original building, which is the test of the Framework.
8. Based on the above, I conclude that the proposal would therefore not satisfy the requirements as an exception to development in the Green Belt for the purposes of paragraph 149(c) of the Framework. In addition to conflicting with the Framework, the proposal would also be contrary to Policy G2 of the LP and Policy DM5 of the CS which also seek to protect the Green Belt from inappropriate development.
9. 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

10. 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.
11. The proposal would principally result in building above the garage, extending the rear of the building at ground floor level and additions to the roof, including the rear dormer and hip-to-gable alteration. As a result, 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.
12. The property is set back from the main road and there is some tree and boundary planting, which help to screen the building. Nevertheless, the additional height and width that is proposed to the dwelling would be visible from the road when passing. The rear dormer would be visible to some neighbouring occupiers either side although the rear ground floor extension less so.
13. Nevertheless, the reduced visibility of the rear elements would not alleviate the overall 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.

Character and Appearance

14. The appeal site forms one half of a pair of semi-detached dwellings, which themselves form part of a cluster of commercial and residential buildings around the A243/Fairoak Lane/Rushett Lane junction but set within a wider, more rural context. In addition to a variety in the type, size and design of residential dwellings in the area, it is evident that a number of them have been subject to alteration and extension.
15. The proposed two storey side extension is set back from the front elevation and nominally set down from the ridge of the main roof. The barn ends do not materially reduce the mass of the building and are somewhat incongruous with the hipped roof to the other half of the semi and the proposed porch roof. Therefore, whilst the proposed two storey addition would not be particularly subservient and would represent additional bulk to the side of the building, it could nevertheless be read as an extension to the building.
16. In some instances, extensions to other dwellings in the vicinity have resulted in buildings being set close to or on the boundary with the neighbouring property. Whilst not all side extensions are two storeys and set on their site boundaries, it seems to me that there is sufficient variety and proximity of dwellings to one another that the proposal would not be unduly harmful to the prevailing character and appearance of the area or existing dwelling.
17. Consequently, I find that the proposal would accord with the aims of Policy D3 of the LP and Policies CS8 and DM10 of the CS which, amongst other things, seek to ensure development proposals, including extensions, have regard to the character of the original building and the street or area.

Other Considerations

18. The loft conversion, including the rear dormer and hip-to-gable alteration, is said to be permitted development. There is no substantive evidence to confirm that such works would be lawful in this instance but even if they were, the proposal which is before me comprises more than just these elements. The claimed permitted development rights do not therefore absolve me from making an assessment as to the effects of the proposal as a whole in regard to the main issues of the case.
19. Similarly, whilst the Council does not have concerns with regard to some elements of the overall scheme, and I have no reason to come to a different conclusion in these respects, I must assess the proposal as a whole.
20. As part of my site visit, I observed the nature and character of the area. Whilst the immediate vicinity around the appeal site is developed, it is located within the Green Belt. The Green Belt has a number of aims, and it is not the role of this appeal to consider the appropriateness of the Green Belt boundaries in relation to the appeal site or its surrounding area. I must have regard to the relevant national and local policies pertaining to the scheme when the decision is made, which I have done above.

Other Matters

21. I note the appellant's observations regarding the description of development on the officer report. However, it is clear from reading the report itself that the considerations relate to the development for which permission was being sought. The initial notification letters to neighbouring residents are sent to the Inspectorate as part of the Council's submissions and did contain the correct description of development. Accordingly, the appellant's interests do not appear to have been prejudiced.

Green Belt and Planning Balance

22. 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.
23. I have found that the proposal would be acceptable in terms of its overall character and appearance but this would be expected for any development and does not diminish the wider harm that would be caused to the Green Belt. Therefore, any weight I could attach 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.
24. 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

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

Stewart Glassar

INSPECTOR