



Appeal Decision

Site visit made on 25 May 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2023

Appeal Ref: APP/Q3630/D/22/3310768

27 Howards Lane, Addlestone, Surrey KT15 1ET

- 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 & Ms Shaun & Hannah Gilbert & Smith against the decision of Runnymede Borough Council.
 - The application Ref RU.22/0871, dated 26 May 2022, was refused by notice dated 30 September 2022.
 - The development proposed is first floor extension and ground floor rear and side extensions along with alterations to the fenestration following the demolition of an existing conservatory, single storey extension and garage.
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Decision

1. The appeal is allowed and planning permission is granted for the first floor extension and ground floor rear and side extensions along with alterations to the fenestration following the demolition of an existing conservatory, single storey extension and garage at 37 Howards Lane, Addlestone, Surrey KT15 1ET, in accordance with the terms of the application Ref RU.22/0871, dated 26 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 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.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 2214/E/01A; 2214/E/02; 2214/P/01A; 2214/P/02A; site location plan.

Main Issues

2. The main issues are:
 - whether or not the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework (2021) ("the Framework") and any relevant development plan policies;
 - if the proposal is inappropriate development, its effect on the openness of the Green Belt;
 - if the proposal would be inappropriate development, whether or not the 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 necessary to justify the proposal.

Reasons

Whether or not inappropriate development in the Green Belt

3. The site is located within the Green Belt. The Government attaches great importance to Green Belts and paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances.
4. Paragraph 149 of the Framework states that new development is inappropriate in the Green Belt unless it falls within a list of exceptions. One exception is 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. The Framework's glossary explains that "original" in this case means the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
5. Policy EE14 of the Runnymede 2030 Local Plan (2020) (RLP) is broadly consistent with the Framework and sets out a number of considerations to be taken into account when assessing whether the proposal is a disproportionate addition over and above the size of the original dwelling. This includes the existing and proposed footprint, spread of development and distances to site boundaries, changes in mass, bulk and the height of buildings including roof form changes.
6. There is some dispute between the parties as to the exact floorspace increase over and above the original dwelling that would result from the proposal. The Council suggest that the cumulative increase would be 95% whilst the appellant indicates it would be 45%.
7. The Framework does not specify either in relative or absolute terms what might be a disproportionate addition. Whilst I understand that the Council work to a guideline of 30% floorspace increase, I have not been referred to any such figures in the Council's development plan policies or Supplementary Planning Documents. The appellant suggests that other Council's in the southeast of England have an allowance of up to 50% floorspace increase. To support this contention the appellant has provided a copy of Sevenoaks District Council's Development in the Green Belt Supplementary Planning Document. However, as this is from a different Council and does not form part of the development plan for Runnymede Borough Council it is of limited relevance.
8. Even if I were to base my assessment on the appellant's lower figure, the totality of development, at 45%, would clearly represent a significant percentage increase. The proposal would result in a considerable increase in floorspace and volume. Furthermore, it would increase the height and bulk of the building.
9. Therefore, based on the evidence before me and my observations at the site visit, it is my planning judgement that the appeal scheme would fundamentally change the size and scale of the property. This leads me to find that the proposal would undoubtedly result in disproportionate additions to the original buildings and thus would fail to meet exception 149 c) of the Framework.

10. Accordingly, I conclude that the proposal would be inappropriate development in the Green Belt and would conflict with Paragraph 149 of the Framework, as detailed above, and Policy EE14 of the RLP which seeks to resist inappropriate development in the Green Belt.

Openness

11. Paragraph 137 of the Framework identifies that 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.
12. The site comprises a detached dwelling sited within a residential plot, set back from the road. The site has a deep garden with domestic outbuildings to the rear, and a driveway plus parking area to the front. Many of the properties along the road appear to have been extended in various ways, and unlike the appeal proposal many are two storeys in height.
13. The removal of the side garage would open up views through to the rear of the plot along the shared boundary with No.23, thus increasing visual permeability. The demolition of the garage, conservatory and single storey projection would also consolidate the built form of the building at ground floor level. However, there would be an overall increase in floor area at ground floor level. Furthermore, the increase in height would create an additional storey of accommodation at first floor level, resulting in a significant increase in floorspace. Overall, the proposed development would have an impact on both the spatial and visual openness of the Green Belt.
14. Within the context of the site, I consider the effects on both the spatial and visual openness of the Green Belt would be limited. Whilst limited, it would nevertheless erode the openness of the Green Belt, which, as noted, is one of its essential characteristics.
15. Therefore, I conclude that the proposal would not preserve, and would have a harmful effect on, the openness of the Green Belt. As such, it would conflict with the provisions within the Framework which seek to preserve the openness of the Green Belt.

Other considerations

16. The Framework highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, with substantial weight given to any harm to the Green Belt. 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.
17. The appellant has drawn my attention to a fallback position through the Permitted Development process, emphasising that extensions to the main dwelling could be erected under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), as well as under Schedule 2, Part 1, Class AA of the GPDO.
18. Specifically, the appeal property benefits from a prior approval notice (ref. RU.23/0059) granted in March 2023 in compliance with Schedule 2, Part 1,

Class AA of the GPDO to provide an additional storey so the resultant dwellinghouse has a maximum height of 7.9 metres ("prior approval scheme").

19. The appeal property also benefits from a certificate of proposed lawful development (RU.23/0206) issued in March 2023 for the construction of single storey side extensions in compliance with Schedule 2, Part 1, Class A of the GPDO ("certificate of lawfulness scheme").
20. The prior approval scheme would add an entire new storey which would span almost the full width of the dwelling. This would increase the height, bulk, massing and prominence of the host dwelling significantly. Whilst the appeal scheme would also increase the height of the dwelling, rather than being a fully expressed storey the first floor accommodation would be contained within two lower, less bulky, hipped roof forms and within dormer windows. Consequently, it would not be as high, wide or bulky as the prior approval scheme.
21. The certificate of lawfulness scheme, would increase the width of the host dwelling at ground floor level. As a result, both of the dwelling's side elevations would be constructed along the site's side boundaries, resulting in a loss of open space around either side of the dwelling. In contrast, the appeal scheme would consolidate the ground floor area, removing an existing side projection and a side garage. As a result, it would create additional open space between the dwelling and either side boundaries.
22. I appreciate the fact that the appeal scheme would add built form to the ground floor whilst introducing additional volume in the roofspace which, I have found, would have limited impact on the spatial and visual openness of the Green Belt. However, drawing the above together, the fallback schemes would increase the width of built form on the site, and significantly increase the height, bulk and prominence of the host dwelling's built form. They would thus have a greater adverse spatial and visual impact on openness. For these reasons, very substantial weight is attached to this consideration.
23. The Courts have held that in considering the concept of fall-back development as a material consideration, there should be a "real prospect" of it being implemented, and not just a theoretical possibility that the development might take place. In this regard, I find that despite the clear preference in design-terms for the appeal scheme, there is no clear evidence to support a conclusion that the fallback scheme would not be implemented in the event that the appeal was dismissed. I am satisfied that there is a real prospect of the fallback development taking place and I attach very substantial weight to this consideration.

Conditions

24. I have considered the Council's suggested conditions against the advice on conditions set out in the NPPF and the Planning Practice Guidance (PPG). I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty.
25. I have also imposed a condition requiring the materials to be used in the construction of the external surfaces of the development to match those used in the existing building in order to protect the character and appearance of the host dwelling and surrounding area.

26. Bearing in mind the PPG's advice that the blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity, I have not been provided with sufficient evidence as to why it would be reasonable or necessary to restrict several classes of permitted development rights. Therefore, I have not imposed a condition to this effect.

Planning Balance and Conclusion

27. I consider that the development causes harm to the Green Belt by way of its inappropriateness and limited harm to its openness, and that substantial weight must be given cumulatively to this harm. Additionally, I have taken into account the impact of the permitted development fallback position, to which I have attached very substantial weight. I consider that this fallback position would have a materially more harmful effect, spatially and visually, on the Green Belt. On balance, the weight attributed to the fallback position is very substantial and outweighs the harm that would be caused by the appeal scheme. I conclude therefore that there are very special circumstances to justify the development.

28. For the reasons given above and having had regard to all other matters raised I conclude that the appeal should be allowed.

B Pattison

INSPECTOR