



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: 7 August 2023

Appeal Ref: APP/D3640/W/22/3303914

1 & 2 Heydon Cottages, Church Road, Windlesham GU20 6BL

- 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 Messrs Bates and Taylor against the decision of Surrey Heath Borough Council.
 - The application Ref 21/1145/FFU, dated 18 October 2021, was refused by notice dated 3 May 2022.
 - The development proposed is the demolition of existing single storey extensions and erection of a two storey side extension to both properties.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal submission includes an updated parking plan which shows three car parking spaces provided for each property, and which was not before the Council at the time of its decision. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
3. In this case, the parking plan depicts additional detail in relation to car parking within the appeal site, rather than any amendments to the proposal. For this reason, I consider that there would be no prejudice to any party by considering the additional drawing. I have therefore determined the appeal on the basis of the additional drawing.
4. As the proposal is in a conservation area (CA), I have paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. During my site visit, I noted that construction works for a two storey side extension to 2 Heydon Cottages (No 2) had commenced. The extension appeared to be different in design to the appeal proposal. For clarity, I have assessed the appeal proposal on the basis of the submitted drawings only.

Main Issues

6. 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 ("the Framework") and any relevant development plan policies;

- the effect of the proposal on the openness of the Green Belt;
- the effect of the proposal on the locally listed buildings and the character and appearance of the area, with due regard to the location of the site in the Church Road, Windlesham CA;
- the effect of the of the proposal on highway safety with due regard to the provision of off-street car parking and turning;
- the effect of the proposal on the living conditions of occupiers of neighbouring properties with particular reference to privacy; and
- 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

7. The Council's reason for refusal does not refer to any development plan policies and instead relies solely on the Framework. The Government attaches great importance to Green Belts. 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. Paragraph 149 indicates that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate.
8. One exception, provided for by Paragraph 149(c), 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" this case means the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
9. The Framework does not specify either in relative or absolute terms what might be a disproportionate addition, nor have I been referred to any such figures in the Council's development plan policies or Supplementary Planning Documents.
10. The appellant does not dispute the Council's calculation that the proposed extension would increase the volume of the combined properties, as originally built, by 38% and an increase in floor area of 47%. Taking these figures into account, the proposal would result in a considerable increase in floorspace and volume. As this would be spread across two, two storey side extensions the proposal would also have a significant bulk and massing.
11. I note that the ridge height of the proposed extensions would be lower than the appeal property and the extension would also be substantially set back from the front of the original buildings. However, in my view, the appeal scheme would disproportionately change the size 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.
12. Accordingly, I conclude that the proposal would be inappropriate development in the Green Belt, having regard to the Framework. Inappropriate development

is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances.

Openness

13. 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.
14. Openness has both spatial and visual aspects. Whilst set back from the front elevation and at a lower height than the main roof, the proposal would result in the introduction of two storeys of built form into space where currently there is none. The effect of extensions either side of the original houses would add significant width to the pair of properties. This would have a harmful effect on spatial openness.
15. Given the prominence of the property within the street scene, the additional height and massing of the side extensions would be highly conspicuous and readily perceived when viewed from both Church Road and New Road. This would have a harmful effect on visual openness.
16. Therefore, I conclude that the proposal would not preserve, and would have a harmful effect on, the openness of the Green Belt. Given the scale of the proposal, I consider the harm to openness to be moderate. As such, the proposal would conflict with the provisions within the Framework which seek to preserve the openness of the Green Belt.

Character and appearance

17. The appeal buildings are a pair of historic two storey, semi-detached cottages, with gables fronting the highway. They are constructed in red brick, with grey brick banding and patterns between the ground and first floor windows and above first floor level. The properties have small pane sash windows, and a central porch and a central hipped dormer above. Both are set-back from the front of the site with parking areas to the side of the properties. At the time of my site visit, No. 1 had prominent chimney stacks, whilst the chimney stack at No. 2 appeared to have been removed.
18. The character of this part of the Church Road, Windlesham CA and its significance stems from, amongst other aspects, the arrangement of groupings of historic buildings set within the rural landscape, with open fields to the rear of the built form along Church Road. With their rich, historic architectural detailing and prominent corner location, the appeal buildings positively contribute to the character of the area as a whole. Whilst not statutorily listed, the appeal properties appear on a local list, and are of sufficient historic interest to be considered a non-designated heritage asset (NDHA) by the Council.
19. When viewed from the front, the side extensions would have a lower ridgeline and would be symmetrical in appearance. Their front elevations would also have a generous set back from the property's principal elevation. However, the sheer width of the extensions would have the effect of almost doubling the width of the properties. As a result, the extensions would appear particularly bulky. Consequently, they would have a dominating effect and would not be subordinate additions to the host dwelling. This would be particularly harmful

as the appeal site is located on a prominent corner, and consequently the extensions would be visible from a range of viewpoints on Church Road and New Road.

20. Whilst the hipped roof form of the extensions would reduce the overall bulk of the roof, it would introduce an additional roof form, which would visually compete with the dwellings' main gables, result in a disjointed appearance. The proposed timber clad elevations to the extensions would serve increase the disjointed appearance between the host properties and the extensions.
21. The extensions would be constructed on areas to the side of the properties which are currently open and allow views between the built form to the open fields to the rear. As a result of the extensions' width, they would encroach into this open space, resulting in built form which is uncharacteristically close to either plot's side boundaries and which would appear cramped.
22. The side extensions on other properties on Church Road, including at Corner Cottage, are proportionally less wide than the proposal. As a result, they are not as bulky or prominent as the proposal and thus not directly comparable. Therefore, their existence, does not lend weight to the proposal.
23. The outbuildings to the rear of both properties appear to be modern extensions which do not make a positive contribution to the conservation area and are not referenced in the local list description provided by the Council. Their demolition would not result in a harmful loss of historic fabric. However, large openings are shown on the submitted removing sections of walls at ground and first floor. Collectively this would result in a significant loss of historic fabric. Whilst I understand that they would be reinstated, the removal of external chimney stacks would result in a loss of original fabric which would cause harm to the NDHA.
24. Given the distances involved, the development would not appear as overly prominent features in views between the Half Moon public house and St John the Baptist Church. As such, the development would not result in harm to these important views.
25. For the above reasons, I conclude that the proposal, due its large size and bulk, combined with the loss of historic fabric would harm the character and appearance of the NDHA, and would fail to preserve the character and appearance of the area, including the NDHA and the CA as a whole. I therefore find that it conflicts with Policies DM9 and DM17 of the Core Strategy and Development Management Policies Document (2012) (CSDMP), principles 10.1, 10.3 and 10.5 of the Residential Design Guide Supplementary Planning Document (2017) (SPD) and policies WNP 2.1, WNP 2.2 and WNP 3.1 of the Windlesham Neighbourhood Plan (2018) (WNP). Amongst other things, these policies seek to ensure that the historic environment is safeguarded from harm, the value and significance of conservation areas are maintained, and new development is of a high standard of design and respects local character.
26. In failing to preserve the character and appearance of the CA, I find that the proposed development would, in the words of the Framework, result in less than substantial harm to the significance of a designated heritage asset. In such circumstances, the Framework requires that the less than substantial harm should be weighed against the public benefits. Although the proposed development would provide improved and enlarged living space, this would,

given the nature of the appeal proposal, equate to a private rather than a public benefit. However, it has been put to me that the appeal proposal would also make a more efficient use of the site that this would equate to a public benefit. The appellant indicates that the design would incorporate sustainable materials, ensuring energy efficiency, low maintenance and a low carbon footprint. Be that as it may, based on the scale and nature of the development, the public benefits relating to this would be modest. They do not therefore outweigh the harm I have identified to the CA and the great weight given to the conservation of designated heritage assets.

Highway safety

27. The proposals would result in both properties having three bedrooms. The appellant has provided an updated parking plan which shows three car parking spaces provided for each property. This layout would not provide sufficient turning space, and would be likely to lead to vehicles reversing either on to or off of the site.
28. However, Policy WNP 4.2 of the WNP requires, new residential developments with three or more bedrooms to provide three car parking spaces, where space permits. As the proposal involves extensions within two relatively small and constrained plots, the available space does not, in this instance, permit the provision of three parking spaces. There would be no conflict with policy in this regard. On this basis, the provision of two parking spaces, which both parties agree would comply with the Surrey County Council parking guidance, would be sufficient.
29. The extensions to both properties would reduce the available parking and turning areas. However, from the submitted drawings, and my observations on site, it seems to me that sufficient space for the off-street parking and turning of two cars would remain at both properties.
30. Consequently, the proposal would provide a sufficient number of off-street parking spaces and would not have an unacceptable impact on highway safety. Therefore, it would not be contrary to Policy WNP 4.2 of the WNP or principle 6.7 of the SPD. Taken together, these seek development which would provide sufficient off-street parking in a high quality layout.

Living conditions of neighbouring occupiers

31. The Council's reason for refusal in relation to living conditions, refers to a loss of privacy to Corner Cottage's rear garden area as a result of overlooking from the closest first floor rear window within 1 Heydon Cottage's (No 1) extension. The window in question would face towards the neighbouring property's rear garden and there is therefore potential for overlooking from the proposal to the neighbouring property.
32. The Council refer to the SPD which sets out that the first 3 metres of private space behind a rear elevation are particularly sensitive. It adds that it is important that people are able to enjoy their private outdoor spaces without feeling overlooked or overheard.
33. 1 and 2 Heydon Cottages and the neighbouring pair of semi-detached dwellings to the north are positioned in a tight knit manner at right angles to each other. As a result the rear gardens of No 1 and Corner Cottage are in close proximity to each other's upper floor windows. As existing, No 1's first floor rear windows

direct views to the rear of its garden, albeit they also allow angled views to Corner Cottage's rear garden. Furthermore, as Corner House is part of a pair semi-properties, its rear garden is already overlooked from close proximity by the upper floor windows of the adjoining house within the pair.

34. The new upper floor window would be closer than the existing windows within the appeal property. The semi-mature planning boundary planting along the boundary with Corner Cottage, would provide some limited screening reducing the extent of views into limited areas of the garden. Given the extent of existing mutual overlooking into the garden of Corner Cottage outlined above I do not find that the additional rear window would result in a demonstrable additional loss of privacy for neighbouring occupiers or any material impact on their ability to enjoy their garden space.
35. Had the appeal proposal been acceptable, a planning condition could have been imposed to ensure that the side facing window looking directly towards the Corner Cottage, would be obscure glazed and retained as such. This would have ensured that the windows would not harm the living conditions of neighbouring occupiers.
36. Consequently, the proposed development would not have an unacceptable impact on the living conditions of the occupiers of Corner Cottage. Therefore, in this respect, it would not be contrary to Policy DM9 of the CSDMP, Policy WNP 2.1 of the WNP or the SPD. Taken together, these seek development which would not significantly harm the amenities of the occupiers of neighbouring properties.

Other considerations

37. The appellant and interested parties state that the occupiers of both cottages are young families who wish to remain in the village. They are locals, having previously lived in the village and utilise the local amenities such as the shops, nurseries and local golf club, as families. I understand that moving to larger properties is very difficult in this expensive part of the country, and that the appellants consider extensions to the existing properties to be the most practical solution for their growing families. The WNP also references the need to support local families and supports the provision of 4 bed properties within the village.
38. I am sympathetic to the appellants' personal circumstances. However, I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is probable that the proposed dwelling would remain long after the appellants' personal circumstances cease to be material. Future use of the dwellings would also not necessarily entail a similar situation. Therefore, this factor is afforded limited weight.
39. I understand that this is a joint application by the occupiers of two adjoining properties, in order to ensure the extensions to the properties were symmetrical. The appellant indicates that the design would incorporate sustainable materials, ensuring energy efficiency, low maintenance and a low carbon footprint. These factor are afforded limited weight.
40. They appellant refers to a potential fallback option in relation to extensions to the properties as they are not statutorily listed. It is suggested that extensions

which are not subservient to the host dwelling could be constructed without planning permission. However, there is limited information within the evidence regarding the detail or design of such development. For this reason, there is no way of knowing whether the fallback would be more or less harmful. I therefore give limited weight to the potential fallback option.

41. The appellant suggests the chimneys could be demolished and that large openings could be created within the elevations without a requirement for planning permission. Whilst these alterations would undoubtedly cause harm to the building's historic fabric, they would be less harmful than the proposed development which I have found would result in prominent, disproportionate and disjointed extensions. Therefore, while it may be a possibility that the works could go ahead, given that they would be less harmful than the extensions, this fallback position is not afforded any weight.

Other Matters

42. The Council has no objection to the principle of side extensions to the properties. However, the impact of the development, when viewed in its context, due to its size and impact on the host properties would cause harm to the CA, as a whole.
43. The concerns expressed regarding the Council's conduct during the processing of the planning application fall outside of the remit of this decision.

Planning Balance and Conclusion

44. The proposal would constitute inappropriate development in the Green Belt which should not be approved except in very special circumstances. It would also not preserve, and would have a harmful effect on, the openness of the Green Belt. Substantial weight should be given to any harm to the Green Belt. I have found that the proposed development would also unacceptably harm the character and appearance of the Church Road Windlesham CA and the NHDA and that the public benefits of development would not outweigh this.
45. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations in relation to the proposal do not do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
46. The proposal would be contrary to the development plan and the Framework taken as a whole. There are no other material considerations which indicate that the decision should be determined other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR