



Appeal Decision

Site visit made on 5 May 2023

by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2023

Appeal Ref: APP/M3645/D/21/3287239

1 Carewell Cottages, St. Piers Lane, Lingfield RH7 6PN

- 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 T Grimley against the decision of Tandridge District Council.
 - The application Ref 2021/1259, dated 5 July 2021, was refused by notice dated 8 October 2021.
 - The development proposed is two-storey side and single storey rear extensions.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr T Grimley against Tandridge District Council. This is the subject of a separate decision.

Main Issues

3. The main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt having regard to national and local policies;
 - ii) the effect of the proposal on the openness of the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the area; and
 - iv) if inappropriate development, 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 and openness

4. The National Planning Policy Framework (the Framework) sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate, other than where they meet any of the exceptions listed. These include 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. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. Policies DP10 and DP13 of the Tandridge District Local Plan Part 2: Detailed Policies (2014) (LPP2) set out very similar provisions. For the purposes of Policy DP13, for residential dwellings 'original building' means as it existed on 31 December 1968 or, if constructed after 1968, as it was built originally. The Framework defines the date of an 'original building' as 1 July 1948, or as originally built if constructed after that date. Nevertheless, the LPP2 policies are consistent with the Framework.
6. The supporting text to LPP2 Policy DP13 provides guidance on how to interpret the policy, and sets out in paragraph 13.3 that the Council will adopt a pragmatic approach in determining what constitutes a disproportionate addition. It notes that the Framework does not provide any direction as to what may be regarded as disproportionate, and states that the approach will be to judge each proposal on its individual merits. It sets out that it will take into account factors such as the size of the original building, the bulk, height, mass and prominence of the extension or alteration and the impact of the proposal on the openness of the Green Belt. Paragraph 13.4 goes on to say that as a general rule, the Council will use a calculation of external volume rather than floor area or footprint as the measure of whether a proposal is mathematically disproportionate.
7. In correspondence during the application process, the Council has referred to a 'generic rule' that additions over 40% of the original volume of the dwelling would be disproportionate. This does not however appear in any of the policies provided to me, or their supporting text. It has not been applied in the Council's assessment of this proposal in the committee report, where volume is only one of the matters considered. Nor does it appear in the other decisions provided to me. Therefore, it has not been demonstrated that this is a 'rule' in adopted policy or guidance or that it should be an overriding factor. Whether the size of an extension would be disproportionate is not simply a mathematical calculation, although that is one factor to consider, and I shall apply the pragmatic approach in LPP2, as previous Inspectors have done.
8. The appeal property is a very modest two-storey semi-detached dwelling with a single storey projection at the rear containing the only bathroom. I saw on site that the materials and building style of the bathroom were consistent with the rest of the dwelling. The brickwork is tied into the two-storey part of the house with no obvious join. The appellant's photograph also shows the structure previously continued across the rear of No 2, before alterations to that property. The Council considers that the bathroom was an addition based on historic site plans for No 2, however I have not been provided with those plans. There is nothing in the planning history before me to suggest that it was added after the relevant date in 1968. Therefore, based on the evidence before me it is likely that the bathroom was part of the original building as defined in LPP2.
9. To the rear of this is a shed constructed of various timber panels with a corrugated metal roof, and a concrete coal bunker. Both are to be removed under this proposal. The appellant asserts that they were part of the original building and the Council disagrees, but neither has provided any detailed evidence to support their point of view such as plans or historic maps or photographs.
10. A dwelling of this age may well have had an outbuilding and coal bunker when it was built, or at least prior to 31 December 1968. The existing structures are

weathered but are made of types of materials that have been in use for many decades, so it is difficult to ascertain their age. Reference is made to historic plans, but these have not been provided. Consequently, there is no substantive evidence before me that the shed or coal bunker existed before the relevant date. There is therefore insufficient evidence to enable me to reach a firm conclusion on whether they were part of the original building or not.

11. The appellant has provided calculations of the volume of the existing dwelling and structures, and the proposal. If the shed and coal bunker were also part of the original building, these calculations indicate that the proposed extension would represent a 38.9% increase in the volume of the building. This would be a moderate increase in size. However, for the reasons set out above this is not the only factor that should be taken into account.
12. The proposed extension would significantly increase the width of what is currently a small, narrow dwelling. Although reduced from previous schemes, it would nonetheless almost double the width of the front section of the dwelling. While set slightly back from the front wall and down from the main ridge, it would nonetheless add considerable bulk and mass to the side of the existing dwelling, particularly at first floor level.
13. The extension would be clearly visible from the road and on higher ground, with little in the way of screening, therefore it would appear as a prominent addition despite being designed to match the existing building. The proposal would have a much greater visual impact than the existing shed and coal bunker, which are much lower in height and partly screened by an existing outbuilding. Consequently, despite efforts to reduce its scale, the proposal would dominate the existing small dwelling and significantly and harmfully alter its very modest form.
14. The attached dwelling has been extended, however the frontage of that property is wider than that of No 1 and the extensions are contained to the rear rather than the side, so do not materially affect the frontage. The extensions are seen from the commercial premises adjacent and from the rear of the appeal site, but are otherwise largely screened from public view by the appeal property and vegetation. The visual impact of the appeal proposal and its proportions and relationship to the host property would therefore be materially different to the extensions at No 2. Therefore, the extensions to the neighbour do not justify the scale and bulk of the appeal proposal.
15. The appellant has provided details of other schemes where larger proportionate additions have been permitted by the Council or at appeal. The Inspector's visual assessment of St Deny's Orchard was that it would appear as a modest addition from the front and not disproportionately large in context with neighbouring extensions. Screening also meant that it would not be unduly prominent. The visual impact of that development was not therefore comparable to the proposal before me.
16. The development at Oakfields was allowed in the context of an extant permission for visually similar extensions on the adjoining property, which is not the case here. The extensions allowed for 2 Burstow Lodge Farm and Gaysland House were both assessed as not visually or mathematically disproportionate, with the latter also considered modest in scale having regard to the dwelling. The Inspector for 3 Effingham Croft found that the extension would have a footprint broadly similar to an existing extension, would

assimilate well with the original building and would not dominate its appearance.

17. There are therefore material differences between those developments and the scheme before me in terms of their visual impact. Furthermore, all of those decisions support the approach that volumetric increase should not be used as the sole factor in assessing whether a proposal is disproportionate.
18. In this case, the increase in the bulk and massing of the dwelling and the prominence of the proposed extensions would also result in a reduction in openness in both spatial and visual terms. Existing vegetation and outbuildings would provide limited screening, and the proposal would be clearly visible above the hedge from the front, and across the driveway at the side. This would result in modest harm to the openness of the Green Belt.
19. Accordingly, I find that even if the shed, coal bunker and bathroom were part of the original building, the overall scale and visual impact of the proposal and consequent reduction in openness mean that it would result in disproportionate additions over and above the size of the original building.
20. Therefore, the proposal would not fall within the exceptions in either LPP2 Policy DP13 or the Framework and would be inappropriate development in the Green Belt.

Character and appearance

21. Although this pair of dwellings are of different widths at the front, the porch of No 2 set is centrally between the windows of both properties, giving the front elevation a degree of symmetry. The porch to No 1 projects to the side, and the two-storey side projection is set well back and of very limited width. As set out above, the extensions to No 2 have limited visual impact from the public realm.
22. The proposed two-storey extension would be set back from the front wall and down from the roof ridge of the main dwelling, but only by a limited amount. This, combined with the increased width, bulk and scale of the proposal mean that it would visually compete with the very modest original dwelling and would not appear subservient to it.
23. The limited set back and position of the en-suite window in the junction would create an awkward juxtaposition and reinforce the uncomfortable relationship between the proposed two-storey extension and the host building.
24. Consequently, although the proposed two-storey extension would use matching materials, it would be a dominant and prominent addition which would harm the character and appearance of the host building and the pair, and therefore detract from the character and appearance of the area.
25. The proposed single storey rear extension would have a limited visual impact due to its small scale, and in itself would not harm the character or appearance of the area. This does not justify the harm from the proposed two-storey extension however.
26. Accordingly, the proposal would conflict with Policy CSP18 of the Tandridge District Core Strategy (2008) and LPP2 Policy DP7 which require new development to be of a high standard of design that must reflect and respect

the character, setting and local context, integrate effectively with its surroundings and reinforce local distinctiveness.

Whether very special circumstances exist

27. The evidence before me is that the significant extensions to No 2 were approved under a different policy context. The large outbuilding was approved as a replacement building, so was considered under a different Green Belt policy exception to the appeal proposal. The scale and nature of that dwelling and the visibility of the additional development from the public realm is also materially different to the scheme before me. Therefore, the presence of these extensions carries very limited weight.
28. The proposal would be inappropriate development in the Green Belt and result in a loss of openness, matters which I give substantial weight, having regard to the Framework. It would also harm the character and appearance of the area, and I give substantial weight to the resulting development plan conflict, given the importance afforded to good design in national and local policy.
29. Overall, therefore, I find that the other considerations in this case do not clearly outweigh the Green Belt and other harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would not therefore comply with LPP2 Policy DP10.

Conclusion

30. The proposal would be harmful to the Green Belt and the character and appearance of the area, in conflict with local and national planning policies. There are no material considerations that justify granting permission for development which conflicts with the development plan. Therefore, the appeal is dismissed.

L McKay

INSPECTOR