



Appeal Decision

Site visit made on 15 August 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal Ref: APP/Q3630/D/23/3315826

Meadowside, The Drive, Sandhills Lane, Surrey, Virginia Waters GU25 4BP

- 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 Waljit Singh against the decision of Runnymede Borough Council.
 - The application Ref RU.22/1327, dated 18 August 2022, was refused by notice dated 25 November 2022.
 - The development proposed is a ground floor single storey rear extension, single storey front extension and loft conversion with dormer windows.
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor single storey rear extension, single storey front extension and loft conversion with dormer windows at Meadowside, The Drive, Sandhills Lane, Surrey, Virginia Waters GU25 4BP in accordance with the terms of the application, Ref RU.22/1327, dated 18 August 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 1140/01, 1140/02, 1140/03A, 1140/04, 1140/05, 1140/06A, 1140/07A and 1140/08
 - 3) The materials to be used in the external surfaces of the extensions hereby approved shall match those of the existing dwelling.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice. There is no evidence any change was formally agreed. For the purposes of the appeal and in the interest of clarity I rely upon the description on the application form for the purposes of the appeal as detailed in the banner heading above and paragraph 1 of my decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt; and

- 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. Policy EE14 of the Runnymede 2030 Local Plan, adopted July 2020 (RLP) is consistent with the approach in the Framework, as among other things, it also refers to extensions not being inappropriate development in the Green Belt providing they do not result in disproportionate additions.
5. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. Criterion c) of paragraph 149 has been cited by the appellant as pertinent to this appeal, which applies to 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.
6. Neither the Framework or the RLP provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
7. The appeal site consists of a large detached dwellinghouse located on the northern side of The Drive in Virginia Waters. The appeal site has been extended over time including the erection of a garage, two storey flank and first floor rear extension and a single storey rear extension and conservatory. The appeal proposal is to provide a roof extension to create additional accommodation within the roof space through the incorporation of a large rear roof dormer and two side dormer extensions. The proposal also includes alterations to the front façade at the ground floor level and the replacement of the ground floor extension and conservatory with a deeper rear extension. There is no dispute between the parties that there will be an increase in the built form as a result of the appeal proposal.
8. In determining what constitutes a disproportionate addition, RLP Policy EE14, states account will be taken of floorspace, footprint, mass, bulk and height of buildings including roof form changes and the scale of buildings. However, the Framework refers to 'size' which incorporates an increase in terms of volume and external dimensions. The appellant indicates that the proposal would provide a further 57.68m³ to the existing built form. Whilst the proposal would provide a modest increase in the overall footprint of the property at the front and the rear, the scheme would nevertheless increase the mass, bulk and volume of the existing property, particularly at the roof level.
9. It is acknowledged that taken in isolation, the proposal would create a relatively modest increase in footprint across the existing property. However, the existing property has been extensively extended overtime, and when taken as a whole the scheme would further increase the mass, bulk and volume of the existing property, to a level that would in my opinion be considered disproportionate to the original building. Accordingly, the proposal would be inappropriate development in the Green Belt.

Openness

10. There are spatial and visual aspects to the assessment of the openness of the Green Belt. In spatial terms, the appeal proposal would increase the footprint over that of the existing development modestly. Furthermore, the proposal would provide extensions to the roof treatment on the sides and rear elevations, with the sides being visible from the front elevation. Whilst the increases would be relatively modest, they are an increase, nonetheless. As such, the proposal would have an adverse impact on the openness of the Green Belt in spatial terms.
11. With regard to the visual aspect, the property is visible from public vantage points along The Drive, albeit limited given the tucked in nature of the road. Views of the rear would be less visible in the surrounding area given existing levels of enclosure and private gardens. However, the increase in mass at the roof level when viewed from the front, would be clearly visible from the surrounding area and as such, would intrude upon the openness of it. That said, the site itself occupies a residential area which includes other two storey developments with a variety of styles and finishes, which contrasts with the much less developed open space to the north. As such, given the ribbon of existing development and variation in design, I conclude in visual terms, the scheme would have limited effect on the visual aspect of openness of the Green Belt.
12. Overall, whilst I find there would be limited harm to the visual and spatial dimensions of the openness of the Green Belt, there would be harm nevertheless. Therefore, the proposal would fail to preserve the openness of the Green Belt.

Other Matters

13. I have had due regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010. One of the residents has a protected characteristic for the purposes of the PSED. Article 8 of the HRA requires that decisions ensure respect for private and family life and the home. In reaching my decision, I have kept these interests at the forefront of my mind. However, these are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key.
14. The intended occupier of the extension requires a degree of independence. As a result, the proposal and accommodation in the roof space would allow them to have their own private area whilst still living within the existing family home. Furthermore, I have had regard to the evidence setting out their health conditions and the bearing they have on their living arrangements. The appellant submits that the additional accommodation is required to provide essential care to them.
15. Whilst it is acknowledged that alternative living arrangements could be sought, this would be at the expense of the family's settled home life, and may involve them splitting up, and losing the care that the family environment provides. Having regard to these matters, I attach considerable weight in favour of the appeal scheme to the considerations raised.

Conditions

16. No conditions have been suggested in respect of the proposed development by the Council, however I have attached the necessary conditions in the interests of precision and clarity to establish the time limit for the commencement of development as well as to list the approved drawing numbers. A condition is necessary to ensure that materials match the existing property and protect the character and appearance of the host building and the local area.

Conclusion

17. The proposal would be inappropriate development which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Limited harm would arise to the openness of the Green Belt. The Green Belt harm attracts substantial weight. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
18. I consider that the other considerations do clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do exist. As such, I conclude that the proposal would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this.
19. For the reasons given above, I conclude that the appeal should be allowed.

Robert Naylor

INSPECTOR