



Appeal Decision

Site visit made on 26 September 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2023

Appeal Ref: APP/D3640/D/23/3314902

Whitethorn, Sandpit Hall Road, Chobham, Woking, Surrey GU24 8HA

- 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 Jonathan Mackay against the decision of Surrey Heath Borough Council.
- The application Ref 22/1106/FFU, dated 26 October 2022, was refused by notice dated 22 December 2022.
- The development proposed is a single storey extension and replacement windows.

Decision

1. The appeal is allowed and planning permission is granted for a single storey extension and replacement windows at Whitethorn, Sandpit Hall Road, Woking, Surrey GU24 8HA in accordance with the terms of the application, Ref 22/1106/FFU, dated 26 October 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: 141-01-00; 141-01-10; 141-03-10; 141-03-11; 141-05-10 and 141-05-11.
 - 3) The materials to be used in the external surfaces of the extensions hereby approved shall match those of the existing dwelling.
 - 4) Any replacement side facing window at first floor level and above shall replicate the existing opening and level of glazing.

Applications for costs

2. An application for costs was made by Mr Jonathan Mackay against Surrey Heath Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The address in paragraph 1 of my decision and the banner heading above has been taken from the application form, albeit that the reference to Surrey has been made after Woking rather than preceding as shown on the application form.

Main Issues

4. 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 and the effect on 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

5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes at paragraph 149 that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions.
6. Criterion c) of paragraph 149 states that one such 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. However, the Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition is a matter of planning judgement.
7. The appeal site is a large, detached property which has been subject to several extensions over time. From the planning history presented the property benefits from several extensions and alterations, including a rear conservatory, first floor rear extension, porch, double garage and tool shed and the erection of a two-storey side extension. The Council contends that the proposal would amount to a disproportional addition following their floor space calculations. However, the calculation of floor space would not be the decisive mathematical factor in assessing 'disproportionate', given the Framework refers to 'size' which incorporates increases in volume, as well as floor space.
8. The proposal would infill part of an existing canopy, creating additional volume but not increasing floor space, while a further small single storey rear extension would create additional volume and floor space by squaring off a corner. Nevertheless, given the rear setting of the proposals, they would not dominate its appearance, being subordinate and tucked away in nature compared to the larger mass and height of the main dwelling. Moreover, they would appear as a logical continuation to the host property. Given the relatively minor increase in 'size' the proposals would not appear overly large in comparison with the original or existing dwelling. As such, these additions would not appear disproportionate.
9. Consequently, I am satisfied that the proposed extensions would complement the existing structure in a manner that would not be disproportionate to the original dwelling. Therefore, I conclude that the proposal would not be inappropriate development in the Green Belt in accordance with the Framework.
10. In terms of effect on openness I have concluded that the proposal would not be inappropriate development. In accordance with established case law¹ it should not be regarded as harmful either to openness of the Green Belt or to the purposes of including land in the Green Belt. Because of my findings it is also not necessary to consider whether very special circumstances exist.

¹ Lee Valley Regional Park Authority, R (on application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404.

Conditions

11. 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. In the interest of protecting the character and appearance of the host property and the local area a condition is necessary requiring materials to match the existing property, and in the interest of protecting living conditions of adjoining occupiers I have also attached a condition that requires replacement windows to replicate the existing.

Conclusion

12. For the reasons given above, having regard to the development plan as a whole, and all other relevant material considerations, I conclude that the appeal should succeed.

Robert Naylor

INSPECTOR