



Appeal Decision

Site visit made on 20 October 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th October 2023

Appeal Ref: APP/C3620/D/23/3323471

Holly Cottage, 72 Pixham Lane, Dorking, Surrey RH4 1PH

- 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 and Mrs Heaver against the decision of Mole Valley District Council.
 - The application Ref MO/2023/0027/PLAH, dated 9 January 2023, was refused by notice dated 17 March 2023.
 - The development proposed is described as 'Proposed conversion of existing garage into habitable space with rear extension. Single storey link extension connecting dwelling to garage. Single storey rear infill extension and reinstatement of previous flat roof to rear single storey elements, replacing existing combined pitched and flat roof. First floor extension over existing porch. Internal alterations, amendments to existing fenestration in line with proposed works and re-tile existing roof with identical tiles.'
-

Decision

1. The appeal is dismissed.

Main Issues

2. 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 effects of the proposal on the openness of the Green Belt;
 - The effects on the character and appearance of the area, including the Pixham Lane Conservation Area and Area of Outstanding Natural Beauty;
 - Effects on protected species, with particular regard to bats, 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

3. The Framework at paragraph 137 identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework establishes that the construction of new

buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraph 149. 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.

4. Policy RUD7 of the Mole Valley Local Plan 2000 (the LP) relates to extensions to dwellings in the countryside and sets criteria where they will be permitted. This includes where they would not result in a disproportionate addition over and above the size of the original dwelling. The supporting text states that the intention to controlling the scale of extensions in the countryside is to protect the open character of the countryside within and beyond the Green Belt, and to maintain the range of dwelling sizes which cater for the varying requirements of different groups. While the LP does not specifically define what would be considered disproportionate, it states that account will be taken of the relative increase in floorspace and also whether the proposal would be out of proportion with the original dwelling in terms of its form, bulk or prominence. It also clarifies that the original dwelling is the dwelling as it stood at the end of 1968 and that proposals for additional extensions will be considered together with any extensions after 1968, on a cumulative basis.
5. The Council state the property was originally a modest two-bedroom cottage. The appellant does not dispute the Council's figures and that the proposal would entail a 107% increase in floorspace from that of the original property. This is a significant uplift, doubling the property's floorspace since 1968. In addition, it is clear from the evidence that the property has undergone a significant increase in scale and bulk over time as a result of its extensions, particularly to the side and rear. Its form and bulk would be further enlarged across the ground, first floor and roof levels as a result of the proposal.
6. Despite the design of the extensions, which are intended to reduce visual effects, overall, when compared to the size of the original house, the proposal together with the earlier extensions, would result in disproportionate additions over and above the size of the original building. As a consequence, the proposal would be inappropriate by definition and harmful to the Green Belt. The proposal would conflict with Policy RUD7 of the LP.

Openness

7. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. The courts have established that the openness of the Green Belt has a spatial aspect as well as a visual aspect. The appeal site lies among other residential properties and commercial buildings. The openness of the area is established by the spaces between the buildings and the verdant gardens, as well as the open land behind the appeal site and on the opposite side of Pixham Lane.
8. As above, the property has undergone extensions and alterations to the side and rear which have decreased the spatial aspect of the Green Belt's openness, and this would be further decreased as a result of the additional bulk of the proposed extensions. In terms of visibility, parts of the proposed extensions would be evident in views from the street, albeit to varying degrees throughout the year. While the visual effects of the proposal on openness are limited to localised views, the effects of the increased size of the property would nonetheless be apparent. Taken together with the scale and bulk of the

proposal alongside earlier extensions, the appeal scheme would decrease both the spatial and visual aspects of the Green Belt's openness.

Character and Appearance

9. The site lies within the Pixham Lane Conservation Area (PLCA), a designated Area of Great Landscape Value and the Surrey Hills Area of Outstanding Natural Beauty (AONB). Holly Cottage is the most southern of a group of properties which adjoins a cluster of low level commercial buildings and hard surfacing to the south. There is variation in the scale, design and materials of the properties in this group, and they have varying setbacks from the road which create differing gaps between them. This variation contributes positively to the character and appearance of this part of the PLCA.
10. The Council's concerns relate to the proposed porch which would connect the existing house to the detached side garage. Due to the existing fencing and planting, the existing gap between the house and the garage experiences little visibility from the surrounding area. The design of the porch would be distinctly modern due to its extensive glazing and flat roof. However, it would appear visually distinct to the historic features of the existing property and garage, and set back significantly from the front of the house and garage. As a consequence of these features, the porch would respect the character of the property and the attributes of the surrounding area which contribute positively to its character. In light of the existing situation, and together with the proposed retention of the garage doors, the appearance of the garage and the feeling of space around the building would be maintained.
11. The proposal would preserve the character and appearance of the PLCA and would conserve and enhance the landscape and scenic beauty of the AONB through reinforcing the existing pattern of development. The proposal would comply with Policy CS14 of the Core Strategy 2009 (the CS), as well as policies ENV22, ENV23, ENV24 and ENV39 of the LP which, among other things, require development to respect and enhance the character of the area, have regard for the space around buildings and preserve or enhance the character and appearance of the Conservation Area.

Protected Species

12. The existing building has potential to accommodate roosting bats. The appellant has submitted a Bat Survey Report which contains the findings of two bat emergence surveys. These found no bats emerging from or re-entering the house and the report concludes that there is sufficient confidence that roosting bats are absent from the site. I have no reason to doubt these findings.
13. In conclusion on this main issue, the proposal would be acceptable in terms of its effects on bats. It would comply with Policy ENV15 of the LP which requires thorough investigation of effects on protected species and resists development which would harm them or their habitats.

Other Considerations

14. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.

15. The proposal would provide enlarged living accommodation for its occupants, including a new bedroom and dedicated home office space, and provide greater flexibility in the way they use the property. While I have found the effects of the proposal on the PLCA and AONB to be acceptable, these are neutral matters and I do not ascribe them weight in favour of the development. Overall, the weight of the other considerations in this instance would not be sufficient to outweigh the harm to the Green Belt, which the Framework requires is given substantial weight. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

16. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is dismissed.

C Shearing

INSPECTOR