



Appeal Decision

Site visit made on 14 December 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 January 2024

Appeal Ref: APP/D3640/D/23/3327139

Little Pond Kennel Lane, WINDLESHAM, GU20 6AA.

- 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 Martin Brown against the decision of Surrey Heath Borough Council.
 - The application Ref 23/0485/FFU, dated 9 May 2023, was refused by notice dated 7 July 2023.
 - The development proposed is the erection of a single storey rear extension with roof lights, extension to first floor side element with roof alterations, new porch, erection of a garage following demolition of the existing garage including changes to fenestration.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by the appellant against the Council. This is the subject of a separate decision.

Preliminary Matters

3. The government issued a revised version of the National Planning Policy Framework (the Framework) on the 19th December 2023. I have considered the changes in relation to the main issue in this appeal - Green Belt policy, but find that these are minor and not material to the decision. The parties were therefore not invited to make submissions on the application of the amended Framework.

Main Issues

4. The main issues are:
 - Whether the proposals constitute inappropriate development in the Green Belt and the effect on its openness; and
 - If there is harm caused by being inappropriate development, whether this is outweighed by other factors so as to constitute very special circumstances (VSC).

Reasons

Background

5. The appeal site comprises a detached dwelling, situated in a frontage of other large properties and an open paddock or field to the rear. The site lies in the

settlement of Windlesham which is washed over by the Green Belt. The site also lies in the Church Road Conservation Area of Windlesham. As existing, the dwelling has a single storey element with a high pitched roof (which contains limited first floor accommodation), which adjoins a two storey element of a more modern form where the roof ridge runs at right angles to that of the single storey part.

6. As well as depicting the proposal set out above in the final bullet point, the proposed ground floor plan also shows the extent of a single story extension accepted by the Council as 'permitted development' (PD) under ref. 21/1305/CES.

Whether inappropriate development

7. The Framework indicates in paragraph 154 (previously 149) that the erection of new buildings in the Green Belt is harmful to its openness and should be regarded as inappropriate unless one of the stated exceptions applies. The relevant one in this case is (c) 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original property.'
8. As a baseline, 'original property' is defined in the Annex 2: Glossary to the Framework as 'a building as it existed on the 1st July 1948 or, if constructed after 1st July 1948, as it was built originally.'
9. In the planning history of the site the Council refers to an application made in 1949 (apparently under the Building Regulations) to convert part of a then existing barn on site into a dwelling and the erection of a garage. In the absence of any other evidence to the contrary this establishes the baseline of the original dwelling. It is apparent that the existing two storey part to the lefthand side (west) of the single storey element is a subsequent addition.
10. The Council estimates that the percentage increase in volume terms of the proposed additions would be about 225% from the 'original' dwelling; 38% increase based on the existing dwelling; and about a 19% increase taking account of the increase that could take place with the PD rear single storey extension.
11. The appellant agrees that the test of 'further additions not resulting in a disproportionate addition' needs to be applied but submits that there are a number of material considerations that constitute 'very special circumstances' as set out in paragraph 152 (formerly 147) of the Framework.
12. The appellant accepts that the volume increase of additions to the original part is in the region of 253%, but suggests that the principle elevation of the property is now the right hand side full two storey element and that the left hand original wing is now a subservient feature. However, the architectural form of the original part of the property is still discernible with its brick elevations and tiled roof and is visually separate to the timber cladding and render of the more modern 'extension'. I do not agree that it appears as a subservient feature.
13. The appellant further argues that the proposed enlargement of the property above the ground floor element would maintain this subservient form but to my mind the proposed addition here would be of a bulk and scale which would materially add to the overall bulk of the property in visual terms. There would

be a complete floor of full height accommodation and fenestration as well as a truncated roof over it. I find that this part of the proposal would materially increase the visual prominence of built development on the site which would harm the open aspect of the Green Belt locally to a moderate degree.

14. On the evidence submitted and my observations on site I find that the proposal constitutes inappropriate development in the Green Belt as, in conjunction with earlier additions, it would result in disproportionate additions over and above the size of the original dwelling as defined in the Framework.

Whether VSC

15. Dealing with the other aspects put forward as VSC – I agree that if the rear single storey extension is similar in size and scale to a PD extension that can be implemented as a 'fallback' then that part of the proposal could be discounted in the volume increase as it has been shown to have a real prospect of implementation. Likewise the proposed replacement garage at the front is similar in nature to the existing one and I am conscious that a garage was permitted as part of the 'original' dwelling. Therefore, the increase in garage volume is not significant.
16. The appellant also indicates that the two small existing outbuildings should be put in the mix and an allowance given for the removal of PD rights to add further Class E and F development as set out in schedule 2 of the GPDO¹. However, the existing outbuildings are remote from the dwelling house and not seen in its context either visually or spatially and I cannot give them much weight as relevant existing buildings. Moreover, I cannot put much weight on the 'offer' of a withdrawal of various Class E and F PD rights as it is not clear to me what type and scale of such buildings are actually being contemplated by the appellant nor has it been shown that these will be likely to take place. In any event government guidance generally goes against the withdrawal of PD rights by condition and this further limits the potential weight attached to this submission.
17. Given these findings I do not agree that there would be likely to be a net benefit in the openness of the site now when compared to the effects of the proposals.
18. The appellant suggests that the further extensions now proposed would be better than the completed redevelopment of the site with a new dwelling which could be materially larger than the one that exists. I am not able to give this stance much weight as the site lies in a conservation area as well as the Green Belt and there is no permission on the acceptability of demolition or the nature of a replacement dwelling even if there was a modest sustainability benefit in reuse rather than starting again. In any event part 154 (d) of the framework indicates that a new building should not be materially larger than the one it replaces.
19. Finally, the appellant says there would be an opportunity to enhance the character of the dwelling and improve the landscaping of the site. Nevertheless, I did not find the present appearance of the property harmful to the character of the area and it appears to have normal landscaping similar to

¹ The Town and Country Planning (General Permitted Development) (England) Order 1995 as amended.

surrounding properties. I am therefore not able to give this argument much weight.

20. Overall I do not find that the other aspects put forward are of such weight or positive benefit to the Green Belt, even when considered cumulatively, that they in total amount to very special circumstances.

Planning and Green Belt balance

21. On the main issues I have found that the proposal would be inappropriate development in the Green Belt as a result of being disproportionate additions taking account of the additions already made to the original dwelling. The additions, particularly the first-floor addition, would also result in moderate harm to the openness of the Green Belt. Substantial weight has to be given to this harm in accordance with paragraph 153 (148) of the Framework.
22. I have also considered the elements of VSC put forward by the appellant but taken together they do not outweigh the Green Belt harm that I have identified.
23. I have also had regard to the various appeal decision submitted by the applicant. Each case has been decided on its individual merits, but I agree with the view that the assessment of further additions to a property in the GB should not be undertaken solely on a forensic mathematical assessment. However, the simple basis in this case is that the original dwelling has already been at least doubled in size and the proposal would materially add to this even where a reasonable allowance is made for other VSC factors into the equation.

Conclusion

24. For the reasons given above I conclude that the appeal should not be allowed.

David Murray

INSPECTOR