



Appeal Decision

Site visit made on 3 January 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2024

Appeal Ref: APP/D3640/D/23/3326079

Hill Cottage, Rectory Lane, Windlesham, Surrey GU20 6BW

- 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 Beckh against the decision of Surrey Heath Borough Council.
 - The application Ref 23/0442/FFU, dated 26 April 2023, was refused by notice dated 16 June 2023.
 - The development proposed is the erection of first floor side extension over garage and single storey rear extension following demolition of existing rear kitchen, conservatory and cloakroom extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw at my site visit that the single storey rear extension element of the proposal has been erected on site in accordance with the plans before me, therefore I have considered the appeal on the basis that the development has already partly taken place.
3. The Government published in December 2023 a revised version of the National Planning Policy Framework (the Framework). Given the similarities with the previous Framework with regards to Green Belt issues, I am satisfied that no party would be prejudiced by making reference to the Framework in this decision.

Main Issues

4. The appeal site is located within an area of Green Belt. Accordingly, the main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development

5. The Framework states that the construction of new buildings is to be regarded as inappropriate development subject to the exceptions which are set out in paragraph 154. Part c) of this paragraph lists 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, as one such exception.
6. The proposed first floor side extension, whilst not adding to the footprint of the dwelling, would extend the roof form of the property and the width of the first floor frontage, substantially increasing its massing. This would add sizeable bulk to the front elevation and would add to the overall mass of built development on the site. It would also encroach into the existing open gap at first floor level between the existing dwelling and the neighbouring detached garage. Whilst the rear extension replaces a similar extension and its height is marginally lower, it is larger in depth and moreover, it is not stated that the previous extension was original. In combination, the extensions would create a dwelling which would be considerably larger than the original and overwhelm its original modest form.
7. The Council calculates that the extensions would result in a 47.8% increase in floorspace over and above the existing property, and the appellant does not contest this figure. Neither 'disproportionate' nor 'limited extension' is defined in the Framework. However, it is clear that the scale of the proposed additions would lead to a substantial increase in the size of the original building.
8. In light of the above I conclude that the extensions proposed would comprise a disproportionate addition in terms of scale and bulk over and above the size of the original building and would result in inappropriate development in the Green Belt, as set out in paragraph 154 of the Framework.

Openness

9. The Framework makes it clear that openness is an essential characteristic of the Green Belt.
10. The proposal would increase the footprint of the dwelling and would, given the extension of the roof form, substantially increase the massing and built form of the property at first floor level.
11. Whilst Rectory Lane is a cul de sac with no through traffic and the neighbouring property on this side is sited some distance away, this additional massing would be clearly perceptible from the highway. There would be therefore a visual impact upon openness in addition to the spatial impact that would result, and openness would be reduced. Modest harm to openness would therefore occur.

Other considerations

12. The appellant points to the possibility of a prior approval for the rear extension. As set out above I observed that this element has been constructed. As such, I cannot give this fall-back position any weight, and in any case, this does not address the issues found above regarding the first floor extension and cumulative impact.

13. The Framework is clear that consideration of what is disproportionate is based on the size of the original dwelling. As such, given the modest proportions of the original property, the scale of extensions should also be modest in order to not be inappropriate. Larger extensions would not be disproportionate to larger dwellings.
14. The appellant points to the scale of extensions to nearby properties¹. However, as set out above, this is assessed in relation to the original property. The Officer report for 2019/0705 concluded that the visual impact of the development upon openness was sufficiently limited to represent very special circumstances. Each case is considered on its own merits, and I have set out above why this is not the case for the appeal proposal. For these reasons, I have given this matter only limited weight in favour of the proposal.
15. Similarly, whilst the neighbouring property, 'Braeholme' appears to have been extended at first floor level, limited detail is provided of any planning approval, and the policy context. As such, this carries only modest weight in favour of the proposal.

Conclusion

16. Paragraph 152 of the Framework says inappropriate development is harmful by definition and paragraph 153 identifies that substantial weight should be given to any harm to the Green Belt.
17. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of the loss of openness. These matters carry substantial weight. Moderate weight can be given to the considerations cited in support of the proposal. Consequently, the considerations advanced by the appellant do not clearly outweigh the harm to the Green Belt that I have identified. Accordingly, very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal therefore conflicts with the Framework.
18. For the reasons given above I conclude that the appeal should be dismissed

B Phillips

INSPECTOR

¹ Herons Wood, Heydon Cottages & 1 Laurel Cottages