
Appeal Decisions

Site visit made on 12 December 2023

by John Wilde C. Eng M.I.C.E.

an Inspector appointed by the Secretary of State

Decision date: 25th January 2024

Appeal Ref: APP/Z3635/W/23/3319800 (Appeal A)

4 Sandhills Meadow, Shepperton, Surrey TW17 9HY

- 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 Lees against the decision of Spelthorne Borough Council.
 - The application Ref 22/01725/FUL, dated 20 December 2022, was refused by notice dated 14 February 2023.
 - The development proposed is demolition of the existing bungalow and erection of a replacement bungalow with accommodation in the roof.
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Appeal Ref: APP/Z3635/W/23/3319801 (Appeal B)

4 Sandhills Meadow, Shepperton, Surrey TW17 9HY

- 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 Lees against the decision of Spelthorne Borough Council.
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Decision Appeal 1

1. The appeal is dismissed.

Decision Appeal 2

2. The appeal is dismissed.

Procedural matters

3. The two proposed replacement dwellings would be exactly the same in terms of footprint, design, and scale. The only difference would be in the finishing materials. The proposed building in appeal 3319800 would be finished predominantly in brick, whereas the proposed building in appeal 3319801 would be finished predominantly in zinc. Furthermore, the Council's reasons for refusal were the same for the two applications. I will therefore deal with both appeals together except for where I specify a particular appeal.
4. On 19 December 2023 the Government published a revised National Planning Policy Framework (the Framework). In the interest of fairness both main parties were given the opportunity to comment upon whether or not the

changes within the Framework impacted upon their case. Any comments received have therefore been taken into account in this decision.

Main Issues

5. The main issues are:-

- a) Whether or not the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies,
- b) The effect of the proposed development on the openness of the Green Belt,
- c) The effect of the proposed development on the character and appearance of the area, and,
- d) 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 or not the proposed development would be inappropriate development in the Green Belt

6. The appeal building is a small bungalow that has its east elevation facing the river Thames. The road access is via Sandhills Meadow to the west. As the site lies within the Green Belt the starting point for this decision is paragraph 154 of the Framework. This informs that, with certain exceptions, the construction of new dwellings in the Green Belt is inappropriate.
7. One of these exceptions is however *the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces*. In this instance the new building would be in the same use. The question that arises is therefore whether or not the replacement building would be materially larger than the existing one, and this in itself raises a further question. The appellants have been granted a Certificate of Lawfulness (CoL) for the development of two single storey side/rear extensions and a single storey rear extension. This they contend, is the 'existing' building. The Council however consider that the existing building is the building without these extensions.
8. During my site visit one of the extensions was in place and was obviously being used as a bedroom, and it seems to me that if this appeal fails then there is a more than theoretical possibility that the other extensions will be built out. It follows that the baseline for any comparisons should be the existing dwelling with the extensions.
9. The footprint of the proposed dwelling would be slightly less than the footprint that would be created by the building out of the extensions. However, the floorspace of the proposed dwelling would be over 50% more than that created by the extensions and, more importantly, the volume would increase by over 30%. It seems to me that an increase in volume of over 30% means that the proposed dwelling has to be seen as being materially larger than the existing. It follows that the proposed dwelling would be inappropriate development in

the Green Belt, and paragraph 153 of the Framework indicates that substantial weight should be given to such harm.

10. Conflict would also exist with policy EN2 of the Spelthorne Core Strategy and Policies Development Plan Document 2009 (CS). This makes clear that the rebuilding and extension of dwellings in the Green Belt including Plotland Areas will only be permitted where the proposal does not significantly change the scale of the original building. It further goes on to state in part (f) that rebuilt structures should be single storey with a low profile roof.

Openness

11. Openness has spatial and visual aspects. In terms of the spatial aspect the proposed dwelling would have more volume than the existing and would be about 3m higher. As regards the visual aspect, the proposed building would be seen from the river and from Sandhills Meadow, and would be more prominent from both of these viewpoints than the existing dwelling by virtue of its greater height and mass. It would therefore have a harmful impact upon the openness of the Green Belt.

Character and appearance

12. The dwellings along Sandhills Meadow vary considerably in terms of design and materials. The properties that were originally built in the early/mid 20c are small and single storey and many are rendered. However, several of these have since been demolished and replaced with larger properties. These have generally been of two storeys with the first floor situated in the roof area. The newer property next door to the appeal site is one such dwelling, and is finished in brick, render and timber. A recently approved dwelling at No 7 will also have a similar height and roof slope to the dwelling at No 5.
13. The proposed dwellings (one finished in brick and the other in zinc) would exhibit a similar height and shape to these other properties, and therefore in this respect would be in keeping with the emerging character of the area.
14. However, neither of the proposed properties would have traditional eaves and both would have a metal end capping to the integral eaves and guttering. Furthermore, in appeal 3319801 the dark grey zinc cladding to the sides and the black timber cladding to the west elevation would contrast sharply with the existing buildings in the area. Overall, I consider that both of the designs would be out of keeping with the character of the buildings in the area, varied as they are.
15. Conflict therefore exists with policy EN1 of the CS. This policy requires that, amongst other things, development pays due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.

Other considerations

16. Whilst I have found that the increase in volume and height of the proposed dwellings would impact upon the openness of the Green Belt, I am aware that the proposed dwellings would have a lesser footprint, width, and length than the existing dwelling with the addition of the extensions. Also, the allowed rear extension would project further forward towards the river than the proposed

dwellings. I have also been made aware that the proposed increase in volume is less than others that have been allowed in the area.

17. The appeal schemes would be raised up above the 1 in 100 flood zone level, and to an extent this accounts for some of the increase in height and additional volume, whereas the allowed extensions would increase the development on the floodplain.
18. The existing building is in a state of disrepair and both of the proposed dwellings would be zero carbon, with the Zinc clad house able to generate all of the dwellings' energy from alternative sources, and I note that the existing dwelling with the extensions would emit considerably more tonnes of carbon by 2050. The Framework at paragraph 139 makes clear that significant weight should be given to innovative designs that promote high levels of sustainability. However, I have already found that proposed dwellings would conflict with the development plan in terms of character and appearance.
19. I also note that the proposed dwellings would be defined as self-build, with the appellants included on the Council's self-build register, and that their family circumstances indicate the need for further living space that the proposed dwellings would undoubtedly bring. However, personal circumstances can only carry limited weight in planning decisions.

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.

20. I have found that both of the proposed dwellings would comprise inappropriate development in the Green Belt and that carries substantial weight. Furthermore, I have found that they would harm the openness of the Green Belt and conflict with the local development plan in respect of character and appearance. These latter factors add further weight against the proposals.
21. In respect of the other considerations, I attach moderate weight to the fact that the proposed dwellings would be of lesser footprint, width and length than the allowed extensions, and further limited weight to the fact that the proposed dwellings would be raised up above the flood plain and would be self-build. I also attach moderate weight to the fact that several other proposals in the area that are similar in height and volume to the proposals have been allowed.
22. However, I have not been supplied with the full details of these other developments. Furthermore, whilst I accept that the development plan is somewhat dated, I have been given no evidence that would lead me to conclude that part (f) of policy EN2 should be overlooked, given that it is incumbent upon me to evaluate the proposed development against the adopted development plan.
23. Overall, I find that the other considerations in these cases do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion on Appeal A

24. For the above reasons, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

Conclusion on Appeal B

25. For the above reasons, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

J Wilde

INSPECTOR