
Appeal Decision

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/D/23/3324804

16 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 Pamella Ramiah against the decision of Spelthorne Borough Council.
 - The application Ref 23/00258/HOU, dated 28 February 2023, was refused by notice dated 24 April 2023.
 - The development proposed is a loft conversion and balcony.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. 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

3. The main issues are:-
4. 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,
5. The effect of the proposed development on:
 - i. the openness of the Green Belt,
 - ii. the character and appearance of the area, and,
 - iii. the living conditions of the occupiers of neighbouring property with particular respect to outlook and privacy, and
6. 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 having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.

7. 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. There are other dwellings to the north, south and west. It seems that the dwellings were constructed in the 1920s/30s as weekend or holiday bungalows. The appeal site lies within the Metropolitan Green Belt and consequently 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.
8. One of these exceptions is however *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*.
9. The description of development refers to a loft conversion and balcony, although I note that the side porch would also be slightly extended. The loft conversion would be achieved by raising the roof of the existing dwelling. The proposed roof would have a shallow pitch, in keeping with the character of others in the immediate area. The Council estimate that the eaves height would rise by about 1.7m and that the footprint would remain almost the same.
10. Given that the footprint would remain almost the same and that the finished roof height and pitch would be similar to nearby dwellings, I do not consider that a rise in eaves height of only about 1.7m can be construed to be a disproportionate addition to the original building.
11. I note that the Council mention that the bungalow as it stands at present is not necessarily the same size as the original¹, as extensions have been made. However, they give no details of this and without such details I have to assume that the present building is the original for the purposes of this decision.
12. Having found that the proposed extension would not be disproportionate it follows that the proposed development would not be inappropriate development in the Green Belt. There would therefore be no conflict with part (a) of policy EN2 of the Spelthorne Core Strategy and Policies Development Plan Document 2009 (CS). This requires that a proposed development would not significantly change the scale of the original building. There would however be conflict with part (f) which requires that within the Plotland Areas proposed rebuilding and extensions should be single storey with a low profile roof.
13. I note that there are several examples of extensions within the immediate area that, from the information before me, seem to breach part (f) of policy EN2. I have not however been supplied with the full details of these cases. Furthermore, whilst I accept that the development plan is somewhat dated, I

¹ defined as the building as it existed on 1 July 1948, or if it was constructed after 1 July 1948, as it was built originally

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.

Openness

14. Having found that the proposed development would not be inappropriate development in the Green Belt and would not therefore result in disproportionate additions to the dwelling, it is not necessary for me to further consider the issue of openness.

Character and appearance

15. Although slightly taller, the proposed dwelling would be of similar shape and design to the existing building, and very similar to several other dwellings in the area. It would not therefore be at odds with the character and appearance of the area. There would therefore be no conflict with policies EN1 or EN2 of the CS. Policy EN1 requires, amongst other things, that new development make a positive contribution to the street scene and the character of the area in which they are situated. Policy EN2 requires, amongst other things, that new development should not detract from the character of the area.

Living conditions

16. The property to the west, The Wheel House, would be only about 6.5m from the heightened west extension of the appeal property. The Supplementary Planning Document entitled *Design of Residential Extensions and New Residential Development* indicates that a distance of 21m is needed between the rear extensions of properties to avoid impinging upon privacy and outlook. I acknowledge that the spatial situation in Sandhills Meadows is unusual and that the distance of 6.5m exists at present. However, it seems to me that at such a close distance, the raising of the eaves even by only 1.7m would have a significant impact upon the outlook from the rear area of The Wheel House.
17. Furthermore, there would be a window to a bedroom in the apex of the west elevation of the proposed development that would allow views directly into the rear area of The Wheel House. To my mind this would have a significantly detrimental impact upon the privacy of the occupiers of The Wheel House.
18. In light of these findings there would be conflict with Policy EN1 of the CS. This requires that new development achieves a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy and outlook.

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.

19. I have found that the proposed development would not be inappropriate development in the Green Belt and would not harm the openness of the Green Belt. It follows that an investigation into other considerations and

whether or not very special circumstances exist is not necessary and a normal planning balance can be carried out.

Conclusion

20. I have found that whilst the proposed development would not be inappropriate development it would nonetheless conflict with policy EN2 of the CS in respect of being two story and with policy EN1 of the CS in respect of living conditions. Therefore, having taken into account all other matters raised, I conclude that the appeal should be dismissed.

J Wilde

INSPECTOR