



Appeal Decision

Site visit made on 16 February 2024

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 MARCH 2024

Appeal Ref: APP/A3655/W/23/3322915

Green Edge, Pyrford Road, Woking, Surrey GU22 8UQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Professor Stephen Temple against Woking Borough Council.
 - The application Ref PLAN/2023/0135, is dated 14 February 2023.
 - The development proposed is a first floor side extension with carport below.
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Decision

1. The appeal is dismissed and planning permission for a first floor side extension with carport below is refused.

Procedural Matters

2. The Council's jurisdiction to determine the planning application for the appeal development fell away when the appeal was lodged. Based on the evidence before me, the Council would have refused planning permission had it been able to do so. I have considered the Council's putative reason for refusal in terms of defining the main issues below.
3. The Government published a recently revised National Planning Policy Framework ("the Framework"). There are no material changes relevant to the substance of this appeal and therefore I am satisfied that no one would be prejudiced by the changes to the national policy context. All references to the Framework in this decision relate to the revised document.
4. For the banner heading above, I have taken the description of development from the planning application form. However, I have had regard to the longer description of development stated in the appellant's appeal form.

Main Issues

5. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - The effect of the proposed development on the openness of the Green Belt.
 - If the proposal is inappropriate development, whether the 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 development

6. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. Policy CS6 of the Woking Core Strategy October 2012¹ ("the WCS"), states that within the Green Belt, strict control will be applied to inappropriate development as defined in the Framework. Policy DM13 of the Woking Development Plan Document October 2016 ("the WDPD") states that new buildings will be regarded as inappropriate development in the Green Belt, subject to exceptions. The exceptions include where an extension to a building does not result in disproportionate additions over and above the size of the original building.
8. Paragraph 154 of the Framework, states that the construction of new buildings in the Green Belt should be regarded as inappropriate development, subject to specific exceptions. The exception relevant to this appeal, as set out in Paragraph 154.c) of the Framework, 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.
9. The Framework does not define a disproportionate addition. However, the WDPD Policy DM13 expects extensions to be within the range of 20-40% above the original volume of the building in order to be considered as not disproportionate. The Framework and the WDPD define 'original building' as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
10. The appeal property used to be attached to Iris House, but the dwellings have since been physically separated. The evidence suggests that a rear extension was added to the appeal property following a successful appeal² under the Prior Notification Procedure.
11. The parties have provided numerical calculations of the floor areas and volumes of the original building and the proposed extension. Compared to the Council's calculations for Green Edge, excluding Iris House, there is little explanation as to how the calculations shown on the drawings were reached. The Council's calculations in the Delegation Report are not disputed and pre-date the appellant's submissions at 'final comments' stage. Therefore, I give greater weight to the Council's calculations in determining this appeal.
12. The Framework does not define a volumetric threshold beyond which a proposed extension would be disproportionate. Notwithstanding the main parties' numerical calculations, the physical size of the proposed extension in terms of its height, width and depth, would add significant built form and bulk to the appeal property. Even taking the appellant's position that Iris house should be excluded from consideration, I nonetheless find that the size of the proposed extension would amount to a disproportionate addition to the building

¹ Woking 2027 Local Development Document, Woking Core Strategy, October 2012

² APP/A3655/W/15/3124304

for the purposes of applying the exceptions in Paragraph 154.c) of the Framework and WDPD Policy DM13. Consequently, the proposed development would be inappropriate when assessed against the exception in Paragraph 154.c) of the Framework, and WCS Policy CS6 and WDPD Policy DM13, the requirements of which are set out above.

Openness

13. In spatial terms, the proposed extension would be a significant addition to the building. Its built form would inevitably reduce the openness of the Green Belt through occupying part of the appeal site where no building or structure exists.
14. The rows of trees and planting that line the eastern side of Pyrford Road limit the visibility of the appeal property in longer distance views from the road. However, in closer distance views, including from Hare Hill Close opposite, it is clearly visible through a wide gap between trees. In these views, the appeal property is seen against the backdrop of trees and vegetation, and is experienced within the generally open and undeveloped plot.
15. There would be views through the open sided carport at ground floor level. Nonetheless, the appeal proposal would add significant bulk to the side of the dwelling and would markedly increase its width and massing in views from the roads opposite. In the context of the openness of the appeal site, particularly to the south of the appeal property, I find that the height and massing of the appeal proposal would cause a harmful loss of visual openness in the Green Belt.
16. For these reasons, I conclude on this issue that the appeal proposal would result in a moderately harmful loss of openness in the Green Belt.

Other considerations

17. The appellant's alternative scheme for a single storey side extension and detached garage would meet the occupiers' requirements for an additional bedroom and covered car parking facility. Therefore, it has more than a theoretical prospect of being carried out were this appeal to fail. As such, it represents a realistic fallback position. However, the weight to be afforded to the fallback position depends also on whether it would be more or less harmful than the appeal scheme.
18. The fallback scheme would have a greater footprint and would spread further across the appeal site than the appeal proposal. However, its volume would be configured within separate low height single storey structures. These would be less bulky than the appeal scheme and would not consolidate the bulk of the appeal property to the same extent or elevated level. Furthermore, the backdrop of trees and the generally undeveloped open land to the rear of the appeal site, which contributes to openness, would continue to be clearly appreciable in views from the road and over the low height roofs of the fallback scheme, and better preserved. By comparison, the elevated bulk and massing of the appeal proposal would be more prominent in public views.
19. The appeal proposal and the fallback scheme would both result in a loss of openness in the Green Belt. However, for the reasons given above, the appeal proposal would cause a greater loss of openness and harm to the Green Belt than the fallback scheme. Consequently, the fallback scheme attracts limited weight and support for the appeal proposal.

20. The additional bedroom and provision of covered vehicle parking spaces with electric vehicle charging points would improve the amount and quality of the appeal property's accommodation for family living. In turn they would improve the occupiers' living conditions. However, the planning system is mainly concerned with the use of land in the public interest. In this context, I afford only limited weight to the private benefits of the appeal proposal to the appellant and future occupiers.
21. The appeal proposal would provide the opportunity to improve the energy efficiency of the property. However, I have limited information on these improvements or evidence that such improvements and modernisation would be dependent on the grant of planning permission for the appeal proposal. As such, the potential environmental benefits of improving the energy efficiency of the property are of only modest weight in its favour.
22. There is little evidence regarding the level of flood risk to the property or any authoritative advice from flood risk or drainage specialists. As such, I give limited weight to the benefit of the proposed bedroom being elevated above an unspecified flood level.
23. No other property in the area has a carport beneath a first floor bedroom. However, the suggested architectural innovation value of this arrangement is of limited weight in its favour given the generally mixed styles of dwellings in the area.

Other Matters

24. The Council considers that the proposal would cause no harm in respect of the character and appearance of the area, the health and wellbeing of trees, parking provision or the living conditions of nearby occupiers. I have no reasons to find differently. However, an absence of harm in these respects, and an absence of objections from third parties, does not weigh positively in favour of the development.

Green Belt Balance

25. The proposal would be inappropriate development and would harm the openness of the Green Belt. The Framework requires that all harms to the Green Belt should be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
26. Although I have given weight to those other considerations that weigh in favour of the proposal, they would not clearly outweigh the totality of the harm to the Green Belt by reason of inappropriateness and loss of openness. Consequently, the very special circumstances necessary to justify the proposed development do not exist.

Conclusion

27. For the reasons given above and having considered all other matters raised, I conclude that the appeal proposal conflicts with the Framework and the development plan policies in relation to the Green Belt. As such, it conflicts with the development plan as a whole. There are no material considerations of

sufficient weight to outweigh this finding. Therefore, the appeal is dismissed and planning permission for the appeal proposal is refused.

G Sylvester

INSPECTOR