

Appeal Decision

Site visit made on 12 March 2024

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2024

Appeal Ref: APP/M3645/D/23/3332989

Hafod, Eden Vale, Dormans Park, Surrey RH19 2LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Poole against the decision of Tandridge District Council.
 - The application Ref TA/2023/1055, dated 30 August 2023, was refused by notice dated 8 November 2023.
 - The application sought planning permission for erection of part single/part two storey front and rear extensions and a glass walkway to the existing garage, façade, and roof remodelling without complying with a condition attached to planning permission Ref TA/2022/509, dated 22 December 2022.
 - The condition in dispute is No 2, which states that: 'This decision refers to drawings numbered HFD_DR_010 P1, HFD_DR_011 P1, HFD_DR_051 P1, HFD_DR_052 P1, HFD_DR_053 P1, HFD_DR_054 P1, HFD_DR_075 P1 and red-edged site plan scanned on 4th May 2022, HFD_DR_200 P4, HFD_DR_201 P4, HFD_DR_204 P4, HFD_DR_301 P4, HFD_DR_303 P4, HFD_DR_304 P4 and HFD_DR_302 P3 scanned on 16th November 2022. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.
 - The reason given for condition No 2 is: 'To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The dwelling was undergoing substantive reconstruction at the time of the inspection, due to implementation of an approved scheme for various extensions, façade, and roof remodelling¹. Separately approved alterations to the detached garage appear to have been completed, including remodelling the roof and addition of dormers².

¹ Ref 2022/509.

² Ref 2023/18.

3. The description of development for the approved scheme to extend the dwelling includes a glass walkway, which would connect the dwelling and garage. The appellants indicate that this was an error on the decision notice as the glazed link was initially proposed as part of the scheme but was removed in order to limit the volume of the overall proposal. The current proposal seeks to vary the approved drawings to include the glass walkway.

Main Issues

4. The main issues are:
 - whether the proposed walkway would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies; and
 - whether any harm by reason of inappropriateness would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

5. Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (2014) (TLP Part 2) concern development in the Green Belt. Policy DP13 states that an exception to inappropriate development in the Green Belt is the extension or alteration of buildings where the proposal does not result in disproportionate additions over and above the size of the original building. As such, the policy reflects the Framework in this regard³. The only difference is that the Framework defines the 'original building' as the building that existed on 1 July 1948, or as built originally if constructed after this date. For residential buildings, Policy DP13 defines the original building as it existed on 31 December 1968, or as originally built at a later date.
6. The Council indicates that the original building had an overall volume of 742m³. As already noted, extensions have been approved to both the dwelling and garage. I agree with the Council that for the purpose of assessing additions to the building, the changes to the garage should be taken into account as this is a domestic adjunct to the host dwelling and is directly next to it. These recent approvals together with any other previous changes and the appeal proposal amount to 1058m³ of additional volume. The extent of change by this measure, therefore, is a cumulative increase in size from that of the original dwelling of 143%.
7. Therefore, the previous and proposed additions would result in the volume of the original dwelling more than doubling in size. It appears that the original dwelling was a substantial two storey detached dwelling with a detached garage. However, the approved changes will result in a larger, bulkier dwelling and garage. Therefore, by any reasonable assessment the cumulative level of change resulting from the previous and proposed changes represents a disproportionate increase above the size of the original building, judged against both Policies DP10 and DP13 of the TLP Part 2 and the Framework. As such, I

³ Paragraph 154c).

conclude that the proposal would be inappropriate development in the Green Belt.

8. The proposed glass link would be single storey and would infill the gap between the two detached buildings. As such, while it would not be a significant structure in its own right, it would nonetheless create a continuous built form across the full width of the currently detached dwelling and garage. Consequently, there would be some effect on the openness of the Green Belt, which would result in moderate harm.

Other considerations and whether very special circumstances exist

9. The appellants do not appear to raise any other considerations that would have a bearing on an assessment of whether very special circumstances exist. However, for the avoidance of doubt, I have had regard to the Lawful Development Certificate (LDC) referred to by the Council that established the total size of extensions to the appeal property that could be undertaken as permitted development⁴. This provided a fallback position to the approved scheme to extend the dwelling, which the Council accepted as very special circumstances in that case.
10. According to the appellants, the total amount of development established by the LDC would increase the size of the original building by 115%. This is materially less than the overall size increase of 143% that would result from the approved and proposed changes. Consequently, the LDC does not provide a fallback with regard to the current appeal proposal.
11. The proposal would represent inappropriate development, which is, by definition, harmful to the Green Belt. It would also result in moderate harm to the openness of the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. There are no other considerations raised in support of the development that would outweigh the harm identified to the Green Belt. Therefore, very special circumstances do not exist.

Conclusion

12. The proposal is contrary to the development plan and there are no other considerations that outweigh this conflict. Accordingly, for the reasons given, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR

⁴ Ref 2022/864.