



Appeal Decision

Site visit made on 25 March 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th April 2024

Appeal Ref: APP/D3640/D/23/3328334

2 Walnut Tree Cottage, Brick Hill, Chobham, Woking GU24 8TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Mrs Patricia Stroud against the decision of Surrey Heath Borough Council
 - The application Ref is 23/0515/FFU.
 - The development proposed was described as a 'two storey front extension'.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey front extension at 2 Walnut Tree Cottage, Brick Hill, Chobham, Woking GU24 8TQ, in accordance with the terms of the application, Ref 23/0515/FFU, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. On 19 December 2023 the Government published a revised National Planning Policy Framework (the NPPF). In this case it is not materially different to the previous NPPF. I have referred to relevant new paragraph or footnote numbers.

Background and Main Issues

3. No.2 Walnut Tree Cottage is in the countryside in the Green Belt. The Council's decision notice cites a single reason for refusal relating to the Green Belt and in this respect it made its decision against the previous NPPF. It did not object to the proposal for any other reason. The main issues in this appeal are therefore:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the NPPF;
 - if it is inappropriate development, its effect on the openness of the Green Belt; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The appellant has also referred to NPPF paragraph 154 d) but that is about replacement buildings in the Green Belt, so NPPF paragraph 154 c) is the most relevant policy. It sets out that the construction of new buildings is inappropriate in the Green Belt, except 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.

5. No.2 was built in 1890 as a small '2 up 2 down' semi-detached dwelling, then one of four similar dwellings in two adjacent pairs. As viewed from Brick Hill the front door is in the side elevation so it would be extended sideways. The size of No.2 as it existed on 1 July 1948 is not known with certainty¹. In these circumstances, I consider that the original building in this appeal is No.2 as it was in 2001 when the appellant acquired it, including with a lean-to kitchen area and bathroom outhouse and before renovations were started.
6. The appellant's detailed figures include the size of the original building and the size of No.2 with the proposed extension (the proposed building). These comparisons take account of demolitions and an extension that has been built with planning permission granted in 2004². Also, extensions not yet built but granted planning permission in 2020 and still extant³ (including the same ground floor extension as in the appeal proposal). I have not been provided with these approved plans or the Council officer reports, nor any plans or photographs to visually correlate any provided figures to the original building, changes since or to the proposed building.

Footprint

7. After the 2004 planning permission works, the 57.41m² footprint of No.2 as it is now (the existing building) is smaller than the 65.48m² footprint of the original building; so, on that basis the 75.58m² proposed building would be a 15% increase in footprint. Even compared to the existing building it would be a 31.6% increase. Either way the additional proposed extension footprint (about 10m² or 18m²) would result in a modest absolute and percentage increase in the proposed building. There is no Council calculation to explain an alleged 70.4% increase in footprint so this figure does not assist me.

Floorspace

8. After 2001, the loft void of the original building was converted into a furnished and decorated second floor habitable room with rooflights and staircase from the first floor. It now forms part of the useable floorspace (gross internal area) of the existing building. Using the submitted plans it is about 26m² excluding stairwell void. The proposed first floor plan shows new stairs ascending from this part of the proposed extension to 'existing loft room' or in the proposed section plan 'attic room'. Either way three floors, though a proposed second floor plan has not been provided. The plans that have been submitted show internal partition walls in this part of the proposed extension. Using these, this new floorspace would be about 6m² excluding stairwell void.
9. Both of these increases to the original building are not evident to me in the appellant's figures or taken into account in the comparison with the proposed building. The overall combined cumulative change (including the 2004 extension) would, therefore, be a significant 145.34m² and substantial 78.9% addition of floorspace in the proposed building. There is no Council calculation to explain an alleged 71.3% increase in floorspace so this figure does not assist me.

¹ Annex 2: Glossary

² Ref 04/184

³ Ref 22/0324/FFU

Volume

10. The Council has provided no building volume figures. The appellant's main roof floor to ceiling height is 2.6m which measures to the underside of a narrow ceiling shown in the second floor proposed section plan, but to the roof apex is about 3m. This small variance and additional volume does not significantly alter the proposed approximately 132m³ increase. The same 2.6m dimension is used in the original building so does not alter the 42% increase in building volume, which would be moderate additions by both figures.

Other size measures

11. The extension would be a modest 2.3m wide but the original main roof ridgeline would be longer and the front and back pitched roof slopes wider, as would be the original elevation and eaves line of No.2 facing Brick Hill. However, only by about half as much again as the width of these parts of the original building, so in proportion. The moderate 7.9m length of the extension would, though, infill the side (front entrance) elevation on a single plane up to the projecting nub of the existing ground floor extension, with the same height, length and shape of this part of the original building. It would also re-instate a broadly rectangular shaped floorplan similar in proportion to the original building.
12. The proposed rear dormer would stretch across a majority of the rear elevation width of the original building. This part of No.2 has though already been altered and obscured by a catslide roof and single storey rear extension. This dormer would be low down and not tall enough to significantly affect the overall size or shape of the rear roof slope of the original building. There is no evidence that the original residential curtilage of No.2 has been enlarged, so the proposed building would not significantly change garden area, proximity to boundaries around it on three sides or the extent of the setting to the original building.

Conclusion

13. I find that by the proposed extension and alteration the proposed building would result in a cumulative disproportionate addition in floorspace over and above the size of the original building. The proposal therefore fails to meet the exception at NPPF paragraph 154 c). Consequently, it would be inappropriate development in the Green Belt.

Effect on openness

14. Though narrow and only one in each roof slope, the rooflights are high up in the existing building. As such they draw attention to appreciation of the roof void of the original building now used as a room, including internal artificial lighting after dark or movement of people within. This is evident in public view from Brick Hill and an access track that runs past No.2 at the rear.
15. There would be no external indication that the proposed main roof void was not an enlargement of the existing loft room. This consolidation of floorspace as a result of the proposal would therefore have a permanent actual or perceived visual dimension and spatial presence on a part of the site where there was none in the original building or in the existing building. Albeit in a limited way, this part of the site would no longer be 'open' in any equivalent or comparative sense.

16. I therefore find that the proposal would have a small adverse effect on the openness of the Green Belt with respect to floorspace. Accordingly, it would be at odds with the essential characteristics of the Green Belt, namely openness and permanence, and a fundamental aim to keep land in the Green Belt permanently open⁴.

Other considerations

Permitted development⁵

17. Alleged permitted development for '2.1m width is allowed and no rear extension is being sought' has been referred to in vague terms, without any apparent relevant class of permitted development or lawful development certificate. I am, therefore, unable to appreciate any force of argument in this respect so this consideration has no weight.
18. However, there is no evidence that the loft conversion enlarged the roof space or increased the external envelope of the original building. Having regard to the relevant limits and conditions I have no reason to find that these alterations were not permitted development⁶. This floorspace forms a substantial proportion of the additional floorspace not reflected in the appellant's figures. Consequently, on its own the proposed second floor floorspace would result in a proposed building of about 119.34m² and a 46.9% increase, so a moderate absolute and percentage addition. This consideration is a key factor and has determinative weight.

Personal circumstances

19. The additional accommodation would allow the appellant to continue to live in a part of No.2 that was more suitable having regard to age, care and future support needs, including so a family member(s) could move in for these reasons. Though important, these are private not public benefits and would prevail for the duration of the appellant's occupation of No.2, whereas the proposal would be permanent development in the Green Belt. These considerations therefore have little weight in support of the proposal.

Council decision(s) and other Councils

20. I do not have the officer reports or approved plans for the Council's decisions on extension or alteration of other dwellings in the Green Belt, including the other half of this semi-detached pair, No.1 Walnut Tree Cottage, and near the appeal site⁷. Nor do I know if any previous or current development plan policies were material or about any very special circumstances. So, despite the claimed figures I cannot be certain that these decisions are directly comparable to this appeal so they do not assist me. I have not been informed about any Council definition or guidance about inappropriate development in the Green Belt. Definitions or guidance used by other Councils does not apply to this appeal.
21. The Council officer report lacks clarity in places but that is not necessarily the same as, or indicative of, error. The Council was entitled to make the decision that it did, including because some issues in dispute are a matter of planning judgement. Rather than make a fresh planning application and engage further

⁴ NPPF paragraph 142

⁵ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

⁶ Schedule 2, Part 2, Class B

⁷ Refs 21/0902/FFU, 2008/0647, 03/1102, 02/0609, 16/0675 and 22/0944/FFU

with Council officers, the appellant decided to pursue the appeal so incur consequential demands on time and costs in this respect.

Green Belt Balance

22. The proposal is inappropriate development in the Green Belt, by definition harmful to the Green Belt and should not be approved except in very special circumstances⁸. Substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations⁹.
23. The Council did not object to the proposal for any other reason so there is no other harm in this appeal. The small adverse effect on Green Belt openness derives from a loft alteration and floorspace already established as permitted development. I find that this consideration clearly outweighs the limited harm to the Green Belt in this case. Consequently very special circumstances exist which justify the proposal.
24. As a result, the application of policies in the NPPF that protect areas or assets of particular importance (in this case the Green Belt) do not provide a clear reason for refusing the proposal¹⁰. The presumption in favour of sustainable development is therefore engaged in this appeal.

Conditions

25. The Council suggested three planning conditions if the appeal was allowed. Where required, I have considered modified wording in the interests of clarity or precision and had regard to the relevant tests in the NPPF and Planning Practice Guidance. In addition to the standard time limit condition for commencing development, a condition to specify the approved plans would ensure certainty about what development would take place. A condition would also be necessary to ensure that materials used in the construction of the external surfaces of the development match those used in the existing building.
26. Chobham Parish Council sought a condition removing permitted development rights for further enlargement of No.2. However, there is no evidence that the Council has withdrawn (in total or in part) national permitted development rights in the Green Belt and conditions should not be used to restrict such rights unless there is a clear justification to do so. Notwithstanding that No.2 is in the Green Belt and has already been extended, even if it could be further enlarged there is therefore no compelling justification to restrict the balance of any permitted development available to the appellant or a future owner.

Planning Balance and Conclusion

27. Subject to conditions, the proposal accords with the development plan. There are no adverse impacts from granting planning permission that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole¹¹. There are no other material

⁸ NPPF paragraph 152

⁹ NPPF paragraph 153

¹⁰ NPPF paragraph 11 d) i

¹¹ NPPF paragraph 11 d) ii

considerations to indicate that the decision should not be made otherwise than in accordance with the development plan¹².

28. Consequently, for the reasons given above the proposal is acceptable so the appeal succeeds.

Robin Buchanan

INSPECTOR

Schedule of Conditions (3)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans:

Ordnance Survey	location plan
11214 7 BR	block plan with gable wall and floor joist detail
11214 04 BR	proposed elevations plan
11214 05 BR	proposed ground floor plan
11214 06 BR	proposed first floor plan
11214 08 BR	proposed roof plan with eaves and skelining detail
11214 09 BR	proposed joist and stair section
11214 10 BR	proposed section with beam and foundation detail
- 3) Notwithstanding condition 2) the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

¹² Section 38(6) Planning and Compulsory Purchase Act 2004 (as amended) and NPPF paragraph 12