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# Appeal Decision

Site visit made on 9 April 2024

**by Lynne Evans BA MA MRTPI MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 May 2024**

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**Appeal Ref: APP/L3625/D/24/3337187**

**Nutley Dean Farm, Smalls Hill Road, Horley RH6 0HR**

- 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 Julie Baker against the decision of Reigate & Banstead Borough Council.
  - The application Ref: 23/00429/HHOLD dated 28 February 2023, was refused by notice dated 20 December 2023.
  - The development proposed is introduction of 3 No. Heritage style Velux windows into the existing roof slope on Plot 7 dwelling on the site. 2 No. to sit above the existing gallery space and 1 No. to sit above the existing bedroom to offer better natural ventilation to the spaces.
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## Decision

1. The appeal is allowed and planning permission is granted for the introduction of 3 No. Heritage style Velux windows into the existing roof slope on Plot 7 dwelling on the site; 2 No. to sit above the existing gallery space and 1 No. to sit above the existing bedroom to offer better natural ventilation to the spaces at 7 Nutley Dean Farm, Smalls Hill Road, Horley RH6 0HR in accordance with the terms of the application, 23/00429/HHOLD dated 28 February 2023, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 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.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: NUTL1-CBLS- 00 00 DR A 0077 S2 P01; NUTL1-CBLS-00-ZZ-DR-A-3010 A1 P01; NUTL1-CBLS-00-ZZ-DR-A-3605 S4 P01.

## Preliminary Matters

2. The appeal site falls within the Green Belt. Paragraph 154 of the National Planning Policy Framework (Framework) sets out that the construction of new buildings in the green belt is inappropriate except for a limited number of exceptions including the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building.

3. The Council has referred to Policy NHE5 of the Reigate and Banstead Development Management Plan 2019 (DM Plan) which sets out a criteria based approach to development within the Green Belt, including at criterion d that the extensions would not be disproportionate to the original building taking into account of a range of factors, including any additional floor area, massing and bulk, height and visual prominence.
4. The proposal would add roof lights to the existing roof slope and would not therefore add floorspace or bulk, height or massing to the existing building nor increase visual prominence. There would also be no impact on openness which is one of the essential characteristics of the Green Belt. From my site visit and all the information before me I am satisfied that the proposal would not be inappropriate development in the Green Belt and that there would be no conflict with the Framework or Policy NHE5 of the DM Plan in this regard.
5. The Council has also satisfied itself that the proposal would not be inappropriate development in the Green Belt and this was not raised as a reason for refusal.

### **Main Issue**

6. The main issue in this appeal is the effect of the proposal on the character and appearance of the local area and the setting of the locally listed building.

### **Reasons**

7. The appeal property is part of a recent residential courtyard development of some 14 dwellings accessed via a private road and bridleway off Smalls Hill Road within the countryside and within the Green Belt. The proposal relates to the addition of three velux windows to the rear roof slope in addition to the one existing velux window which is already in place on that same roof slope.
8. The rear roof slope as existing is seen from the private drive and bridleway and the three additional roof lights would also be visible. However, and contrary to the Council's contentions, I noted on my site visit that there are a number of roof lights as well as photovoltaic panels on the roof slopes across the courtyard development, including the one roof light already in place at the appeal property in the rear roof slope. The three additional roof lights would be sited to line up with the existing roof light and this would follow a similar pattern to that seen on some of the other buildings. I therefore consider that the proposed roof lights would respect the character and appearance of the existing dwelling as well as the wider courtyard development and its countryside setting.
9. The Council has specifically referenced its Barn and Farm Conversion SPD (SPD) which advises against the use of roof lights; however, this SPD seems to be primarily directed to the conversion of existing farmyard barns, although also extending to new development in farmyard settings. Whilst I do not have the full planning history in front of me, and the Council has referred to the whole site being a former farm site, the information provided on the planning history indicates that there were previously industrial buildings on the site rather than farmyard barns. Furthermore, I have found that the roof lights are found within the existing development and the proposal would respect the character and appearance of the existing dwelling and of the local area.

10. The Council has also referred to the courtyard development being within the grounds of a locally listed building, Nutley Dean Farmhouse, although no further information has been provided in this regard. I am satisfied that given the modest nature of the proposal relating to one of the dwellings in the courtyard complex and the distance to the locally listed building there would be no harm to the setting of that building.
11. I am therefore satisfied that the proposal would respect the character and appearance of the existing building and of the local area, including the setting of the locally listed building. There would be no conflict with policies NHE9 and DES1 of the DM Plan as well as the Framework and in particular Sections 12 and 16 all of which seek for new development to be of a high standard of design which respects the local context and the setting of heritage assets.
12. The proposal would not comply with the detailed guidance in the SPD in respect of roof lights. However, I have found that the proposal would respect the character and appearance of both the existing house and the local area. In the particular circumstances of this case, and for the reasons set out above, I consider that there would be justification for an exception to be made to these parts of the SPD.

### **Other Considerations**

13. I have had regard to the Appellant's personal reasons for seeking to increase the number of roof lights, but my decision is based solely on the planning merits of the proposal.

### **Conditions**

14. In terms of conditions, as well as the standard time limit condition, materials should match the existing to respect the character and appearance of the existing property and of the local area, and the approved plans should be listed for the avoidance of doubt and in the interests of good planning.

### **Conclusion**

15. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

*L J Evans*

INSPECTOR