



Appeal Decision

Site visit made on 12 March 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 MAY 2024

Appeal Ref: APP/R3650/D/23/3329564

12 Shepherds Way, Tilford, Farnham, Surrey GU10 2AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Surfaraz Mustafa against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/01456.
 - The development proposed is a double storey side extension with single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was updated in December 2023, during the consideration of this appeal. Insofar as is directly relevant to the appeal, there are no substantive changes. Neither main party were asked for their views and no parties have been prejudiced as a result.

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - 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 inappropriate development

4. The appeal site comprises a semi-detached two storey dwelling set within a residential cul-de-sac. There is a driveway to the side of the dwelling adjacent to the boundary with No. 14, and a garage set back further into the garden. The area is residential in character, the large plots, trees, street width and recreation area to the west giving the area a verdant, spacious character. The site is within the settlement boundary of Tilford.

5. The essential characteristics of Green Belts are their openness and their permanence and thus the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework identifies that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework sets out the categories of development which are exceptions to this. Paragraph 154(c) allows for the extension or alteration of a building provided that it does not result in a disproportionate addition over and above the size of the original building.
6. Policy RE2 of the Waverly Borough Local Plan Part 1: Strategic Policies and Sites 2018 (LP Part 1) states that the Metropolitan Green Belt will continue to be protected against inappropriate development in accordance with the Framework. Policy DM14 of the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies 2023 (LP Part 2), states that determining whether development is disproportionate will be assessed by considering changes in scale, mass, height, and floorspace. The policy approach conforms with the provisions of the Framework.
7. The proposal involves the erection of a two storey and single storey rear extension which would replace the existing two storey rear extension. For the purposes of applying the Framework, the original building does not include the existing two storey rear extension.
8. I have been referred to two appeal decisions within the borough but not in the vicinity¹ where the respective Inspectors acknowledged that a percentage figure or uplift calculation was not the only means of assessing whether a proposal could be considered disproportionate. I accept that the decision as to whether an extension is disproportionate in relation to the existing building is a matter of judgement and not solely a floorspace uplift calculation. This is explicit in Policy DM14 and the 40% uplift guidance is referred to by Policy DM14 solely in reference to sites outside defined settlement boundaries. It does not apply to the appeal site since it is within the Tilford settlement boundary.
9. The proposed extension would result in a significant addition to the original building, slightly more than doubling its original floorspace. Whilst the ridge height of the extension would be lower than that of the main roof, there would be significant additional bulk and mass to the side and rear of the original house. The two-storey side addition would be highly visible from the street; its depth would also be apparent in views from the west. The screening provided by the boundary hedges would not be sufficient to obscure the bulk, mass and scale of the proposed extension from street views.
10. The bulk, mass and scale of the proposed extension, along with the consequent significant uplift in floorspace lead me to conclude that the extension would be a disproportionate addition over and above the size of the original building. This would run contrary to the provisions of paragraph 154c of the Framework and Policies RE2 of LP Part 1 and DM14 of LP Part 2, which amongst other things, state that extensions and alterations to buildings in the Green Belt should not be disproportionate to the original building.

¹ APP/R3650/D/22/3306443 and APP/R3650/D/15/3012035

Openness

11. Openness is an essential characteristic of the Green Belt; it can be perceived both spatially and visually. The existing building is clearly visible from the street and is relatively open to the side, affording views through to the single storey garage in the rear garden and vegetation and trees beyond. The openness of the Green Belt is evident in the spacious and verdant character of the area.
12. The allowed appeal at Oldwick Copse, Godalming² drawn to my attention relates to the consideration of the effect of an extension on the openness of the Green Belt, where an extension is seen against the backdrop of the main dwelling. This is not the case in the appeal scheme, where the existing backdrop is the garage and landscape beyond.
13. The proposed extension would increase the bulk and height of the built form to the side of the house where there are currently views through to the rear garden and landscape. Whilst I accept that the presence of the garage and other outbuildings means that the backdrop to the appeal site is not completely open, there is a greater sense of openness than would be the case with the proposed two storey extension in place. The proposed extension would result in a harmful loss of openness, albeit limited given the scale of the proposal.

Other considerations

14. My attention has been drawn to examples of other extensions which have been granted planning permission within the local area. At Baitul Ehsan on Squires Hill Lane to the rear of the appeal site³, the approved extension represented a 105% increase over the original building. The delegated report states that it was a disproportionate addition to the original dwelling, but there were judged to be very special circumstances which justified the proposal. The merits of that scheme in terms of the extensions and site-specific very special circumstances are therefore not comparable to the appeal site.
15. Similarly, the example drawn to my attention at No. 16 Shepherds Way⁴ involving a single storey side/rear extension was also judged to be a disproportionate addition where very special circumstances existed. I note that this extension represented an approximately 70% increase in floor area and was of a lesser scale than the appeal extension. There have also been extensions to the houses on the opposite side of Shepherd's Way, but I have no details before me in terms of the individual circumstances of the sites.
16. Whilst my attention is necessarily focussed upon the planning merits of the scheme before me, I acknowledge the family circumstances of the appellant and their need for the extension. I attach some, albeit limited, weight to these circumstances.
17. The Council do not consider that the proposals would be harmful to the character and appearance of the area, or that any harm would arise to the living conditions of nearby residents. The evidence does not lead me to disagree with these conclusions. The absence of harm in these respects is a neutral factor which does not weigh for or against the proposal.

² APP/R3650/D/15/3003226

³ Reference WA/2021/01691

⁴ Reference WA/2020/0198

18. I have found that the proposal would be inappropriate development in the Green Belt, a matter to which the Framework requires me to attach substantial weight. The limited benefits that would arise from the extension, along with the personal circumstances of the appellant, are not matters that clearly outweigh the harm arising from inappropriateness. The proposal therefore conflicts with the Green Belt protection aims of the Framework and with Policy RE2 of the LP Part 1 and Policy DM14 of the LP Part 2. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matters

19. The appeal site is in the Surrey Hills National Landscape (formerly known as an Area of Outstanding Natural Beauty) as well as being within an Area of Great Landscape Value. National Landscapes are designated for the purposes of conserving and enhancing natural beauty, and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to consider these purposes in this decision. The Council did not object to the appeal scheme in this regard and I agree that due to the reasonably subservient scale of the proposal and lack of significant visual impact, the special qualities of the National Landscape would not be adversely affected.
20. The site is identified by the Council as being within the relevant buffer zones for the Wealden Heaths Special Area of Conservation, the Wealden Heaths Special Protection Area and the Thames Basin Heath. As I am dismissing the appeal for other reasons, I shall not pursue this matter further because it would not lead me to a different conclusion.
21. The site is also identified by the Council as being located within a buffer zone for ancient woodlands. Again, as I am dismissing the appeal for other reasons, I shall not pursue this matter further because it would not lead me to a different conclusion.
22. My attention has also been drawn to two planning permissions for extensions which were granted for the same property, Brook Cottage⁵, to illustrate the Council's approach to assessing disproportionate additions. The site is located in countryside beyond the Green Belt and is not directly comparable to the appeal scheme.

Conclusion

23. The appeal proposal conflicts with policy set out in the Framework and the development plan to protect the Green Belt. There are no other considerations that outweigh that conflict and for this reason the appeal is dismissed.

L Francis

INSPECTOR

⁵ References WA/2010/2088 and WA/2018/1131