



Appeal Decision

Site visit made on 22 August 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/M3645/D/24/3340648

Kilmington, Church Road, Woldingham CR3 7JG

- 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 Mr Nilesh Patel against the decision of Tandridge District Council.
 - The application reference is TA/2023/1388.
 - The proposed development is for the formation of new entrance, erection of two infill ground floor extensions between the existing and extended built form. extension to roof form including erection of a dormer over the north 1st floor family bedroom, and the remodelling of the west facing master bedroom external elevation.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal constitutes inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2023 (the Framework) and any relevant development plan policies;
 - the effect of the proposal 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 the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The appeal site comprises a two-storey, detached house with off-street parking on the driveway to the front. Local roads in the direction of the centre of Woldingham are predominantly residential in nature set in wider countryside of fields, a golf course and woodland.
4. The Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. This is subject to certain exceptions, which include at paragraph 154 (c) '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. Policies DP10 and DP13 of the Tandridge District Local Plan Part 2: Detailed Policies 2014-2029 (adopted 2014) (LPP2) are of relevance. Policy DP13, in the case of an extension or alteration to an existing dwelling, considers the 'original building' to be the dwelling as it existed on 31 December 1968 or, if constructed after 1968, as it was built originally.
6. The Framework defines the date of an 'original building' as 1 July 1948, or as originally built if constructed after that date. Nevertheless, the LPP2 policies are broadly consistent with the Framework.
7. The Framework does not define what constitutes a disproportionate addition. Policy DP13 states that the Council will adopt a pragmatic approach in determining what constitutes a disproportionate addition and that each proposal will be judged on its individual merits, taking into account the size of the original building, the bulk, height, mass and prominence of the extension and its impact on the openness of the Green Belt.
8. The Council states that mathematically and as a guide, proposals resulting in a 40% volume increase above that of the original building are likely to be supported subject to a visual assessment. However, this figure is not present in any of the policies before me. As no specified percentage increases or extension sizes or measurement methodology are set out as potentially being deemed as acceptable, this is a subjective exercise.
9. The Council puts forward a figure of some 238% uplift for the cumulative external volume increase of previous works to the original home when one adds the appeal scheme. This figure is not disputed by the appellant. Even allowing for the fragmentation of the proposed extensions, or the fact that one could measure floor area or use other comparisons, with a change from an original home of around 534 m³ to the proposal now leading to about 1804 m³, I find it impossible to reach a view other than there would be a failure of the 'disproportionate additions' test.
10. Judging the scheme in accordance with Policy DP13, I consider that the proposed extensions, together with the previous additions to the dwelling, would amount to a disproportionate addition over and above the size of the original building. This would represent inappropriate development within the Green Belt and would not benefit from the exception in paragraph 154 (c) of the Framework. Consequently, there would be conflict with Policy DP10 and DP13 of the LPP2.

Openness

10. The Framework makes it clear that an essential characteristic of Green Belts is their openness. Open can mean the absence of development irrespective of the degree of visibility of the site from public vantage points; development which would harm openness could be acceptable visually. In other words, openness of the Green Belt has a spatial aspect as well as a visual aspect and the absence of visual intrusion, or the presence of screening, does not in itself mean that there is no impact on the openness of the Green Belt as a result of development.
11. In this case, the proposal would involve the collective addition of considerable built form that in certain instances would be larger than the elements to be replaced. By occupying areas that are currently undeveloped, the proposals would inevitably reduce the spatial openness of the site. Overall, I find the

various elements would have a modest, but nonetheless clearly discernible effect on the openness of the Green Belt.

Other considerations

12. I appreciate that the scheme is made up of a sum of smaller parts, however I am required to make an analysis on the 'disproportionate additions' test and I am satisfied that it is reasonable to adopt a cumulative approach. The building would grow in a number of directions.
13. I also acknowledge that some existing space protuberances would be removed and that the front elevation of the house would barely change when seen from Church Road. Still these matters do not outweigh the harm that I have identified above.

Green Belt Balance

14. According to paragraphs 152 and 153 of the Framework, inappropriate development in the Green Belt should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, are clearly outweighed by other considerations.
15. I am required by the Framework to give substantial weight to the harm the development would cause to the Green Belt by virtue of its inappropriateness and to openness. Individually or cumulatively, the weights I have attached to other considerations do not clearly outweigh this harm. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

16. Having regard to all matters raised and based on the above arguments, the appeal is dismissed.

C Hall

INSPECTOR