

Appeal Decision

Site visit made on 13 September 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2024

Appeal Ref: APP/D3640/D/24/3347162

20 The Avenue, Chobham, Woking, Surrey GU24 8RU

- 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 and Mrs Van der Sloot and Harris against the decision of Surrey Heath Borough Council.
 - The application Ref is 24/0366/FFU.
 - The development proposed is described as 'erection of two storey side, front and rear extension, single storey extension to existing garage and its conversion to habitable accommodation'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form.
3. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have had regard to the Framework published in December 2023.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The 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 the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate

5. The Framework, at paragraph 142 identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate development, but lists exceptions in paragraph 154. One such exception is 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.
7. The existing building, which is largely in its original form, is a modest sized detached house positioned centrally on its plot. It has varied roof forms including a hip-to-gable feature to the front elevation within which some of the first floor rooms to the front of the house are contained. The appellant does not dispute that the proposal would entail a 96% increase in floorspace, and an 83% increase in footprint from the original building. The two storey extensions would wrap around much of the original building and, together with the single storey element to the northern side, would notably increase the width of the house on its plot. As a consequence of the proposal, the main part of the house would have a consistent eaves level above the first floor and the bulk of the roof form would be substantially increased to include new prominent gable features to the front and rear, as well as a central section of flat roof above. Overall, the proposal would result in a very substantial increase in the size of the property.
8. While the house is located on a generous plot and surrounded by houses of varying size, including some larger properties, these do not provide reasons to alter the above assessment under the Framework, which relates to the size of the extensions relative to the original building. The appellant has evidenced an appeal decision where extensions were concluded to be proportionate¹. However, that Inspector found those extensions would not dominate, but would complement the size of the original building, which would not be the case here.
9. For the reasons given, the proposal would result in disproportionate additions over and above the size of the original building. It would not conform to the exception to inappropriate development given by the Framework and would be inappropriate development by definition.

Openness

10. The courts have established that the openness of the Green Belt has a spatial aspect as well as a visual aspect². Therefore, the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt.

¹ APP/D3640/D/20/3261867- Manx Farm

² Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466

11. The Avenue is a residential road with houses of varying scale and design set within predominantly generous plots. Open countryside surrounds The Avenue to the east and south. The openness of the surrounding area is derived from the generous plots of the houses including the spaces around them and their set backs from the road.
12. The proposal would decrease the spatial aspect of the site's openness through increasing the size of the property and the extent of built form on the site. While limited to localised views from The Avenue, the proposal would also have visual effects on the Green Belt's openness due to the increase in the scale and prominence of the building, including its roof form, width and coverage of the plot. The proposal would therefore cause harm to both the spatial and visual aspects of the Green Belt's openness, and would conflict with the Green Belt purpose to assist in safeguarding the countryside from encroachment.

Other Considerations

13. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
14. The appellant has presented a 'fallback' position as an alternative should the appeal scheme be dismissed. This involves exercising permitted development rights to construct a number of extensions and additions to the site, including outbuildings. The appellant has obtained relevant lawful development certificates, and confirmation that prior approval would not be required³, and I have no reason to believe that these schemes would not otherwise be implemented if the appeal were to be dismissed. As such there is a real prospect of the fallback position being implemented.
15. Compared against the original building, together the fallback position, including outbuildings, would increase the footprint of the building by 246% and its floorspace by 142%. They would represent increased sprawl across the site and encroachment into the open rear garden, particularly as a result of the large proposed outbuilding. By comparison, the appeal scheme would give a more cohesive design to the building, would focus on extensions around the original house, and give improved interior spaces for the occupants.
16. However, while more substantial in their footprint and floorspace, the extensions of the fallback position would be predominantly single storey with low eaves levels and located towards the rear of the house. The exception is the two storey extension to the back of the house, however this would be fairly modest in its width with a ridge height below the main roof. As a consequence, the fallback position would have far less visual impact on the Green Belt's openness compared to the appeal scheme. In addition, a significant proportion of the footprint of the fallback scheme would arise from the large outbuilding. There are not reassurances that this part of the

³ 21/0200/CES – two storey rear extension, garage conversion and porch; 21/0207/GPE – ground floor extension; APP/D3640/X/22/3293629 and APP/D3640/X/22/3293630 – outbuildings.

fallback scheme could not be carried out as well as the appeal proposal. This concern could not be adequately addressed by condition, since any condition would only take effect once the permission were implemented. For these reasons in combination, the fallback position attracts moderate weight.

17. The appellant has evidenced many other appeal decisions where fallback positions have been considered⁴. However, I do not have details of those proposals or the original buildings to which they related or their contexts. As such I cannot be satisfied that the same circumstances exist here and those decisions suggest there were important differences to the appeal scheme.
18. There would be benefits to the appellants arising from the quality of accommodation which the appeal scheme would provide. However, there is not substantive evidence to support that the quality of the existing accommodation is unacceptable or that the proposal is necessary to achieve an acceptable living standard. Consequently, this benefit attracts little weight. As houses on The Avenue vary in their scale and design and there is little consistency, the design of the proposal does not weigh in favour of the development.
19. The Framework requires that substantial weight is given to any harm to the Green Belt. Overall, while acknowledging there would be some benefits of the appeal scheme compared to the fallback position and to the quality of accommodation, together these do not amount to considerations of sufficient weight which would *clearly* outweigh the harm to the Green Belt, as set out in the Framework. As a consequence, the very special circumstances necessary to justify the development do not exist.

Other Matters

20. The Council's case does not refer to any Green Belt policies of the development plan. However, even if there were no relevant development plan policies, the application of policies in the Framework which protect Green Belts provide a clear reason for refusing the development proposed. The proposal would not, therefore, benefit from the presumption in favour of sustainable development set out in paragraph 11d) of the Framework.

Conclusion

21. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is dismissed.

C Shearing

INSPECTOR

⁴ APP/Y3615/D/21/3281506- 4 Lime Close, APP/B3438/D/3251032- White Chimneys, APP/U1240/D/19/3228676- 7 Beech Lane, APP/C1950/D/20/3260570- Heathfield and APP/B3438/D/20/3246086- 69 Cellarhead Road