

Appeal Decisions

Site visit made on 16 September 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2024

Appeal A Ref: APP/C3620/W/23/3332679

Givons House, Garden Close, Leatherhead, Surrey KT22 8LY

- 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 J Miller against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/0643/PLA.
 - The development proposed is the erection of roof extensions (dormer windows) and alterations to fenestration.
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Appeal B Ref: APP/C3620/W/23/3332680

Givons House, Garden Close, Leatherhead, Surrey KT22 8LY

- 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 J Miller against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1291/PLA.
 - The development proposed is the erection of roof extensions (dormer windows) and alterations to fenestration.
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Decision

1. Appeal A is allowed and planning permission is granted for the erection of roof extensions (dormer windows) and alterations to fenestration at Givons House, Garden Close, Leatherhead, Surrey KT22 8LY in accordance with the terms of the application, Ref MO/2023/0643, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following plans: DE1078/01 Revision P2, DE 1078/08 Revision P3, DE 1078/09 Revision P3, DE 1078/10 Revision P3 and DE 1078/11 Revision P3.
2. Appeal B is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. The description of development within the application form of Appeal B refers to the proposal being a resubmission. The resubmission of a proposal is not an act of development under section 55 of the Town and Country Planning Act 1990 and so I have not included this within the description above.
5. On 15 October 2024, the Council adopted the Mole Valley Local Plan 2020-2039 (LP), which supersedes the Mole Valley Local Development Framework Core Strategy Development Policies Document 2009 and the Mole Valley Local Plan 2000 and now forms part of the statutory development plan. Policies CS14, ENV22, ENV32 and RUD7, as referred to on the decision notice, are therefore no longer relevant. Policies EN1 and EN4 of the LP are, however, relevant and the appellant has had an opportunity to comment on their implications for the appeal.

Main Issues

6. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (the Framework); and
 - the effect on the character and appearance of the area; and
 - If it is inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

7. The Framework explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
8. The appeal site comprises a detached building comprising two elements. Prior approval has been obtained under two separate applications to convert the building to either three or four dwellings, however the works have not been completed. Both appeal proposals are for three dormer windows within the roof slope of the main part of the building. In the case of Appeal A, the dormer windows would be constructed with a flat roof and, in the case of Appeal B, the dormer windows would be constructed with a hipped roof.
9. Paragraph 154 of the Framework regards the construction of new buildings as inappropriate in the Green Belt. An exception to this 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. Policy EN1 of the

LP reflects this approach. The Framework defines “original building” as being a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

10. Neither the Framework nor the development plan provide a definition or a numerical threshold of what would constitute ‘disproportionate additions’. Therefore, an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
11. Planning permission was granted under application reference MO/91/1055 for the retention of a replacement storage building, which the parties agree is the single-storey element to one side of the main building. The extension has a significantly lower ridge height and a modest footprint such that the extension is subservient to the original building.
12. The parties agree that the proposals would not result in a disproportionate increase in the amount of floor space over and above the size of the original building, even when including the extension. The dormer windows would add to the volume of the building, however given the size of the original building, the modest increase in volume created by the proposals would not be so excessive as to overwhelm the original building. Accordingly, neither of the alternative dormer designs would result in disproportionate additions over and above the size of the original building, taking into account the totality of the extensions to the original building.
13. Where a proposal is not inappropriate development in the Green Belt, it should not be regarded as being harmful to the openness of the Green Belt. As the proposed developments are not inappropriate development, as per Paragraph 154 c) of the Framework and Policy EN1 of the LP, an assessment on the effect of the proposals on the openness is not required. Likewise, very special circumstances do not need to be demonstrated in order for the proposals to be considered acceptable in Green Belt terms.

Character and appearance

14. The appeal site consists of a large building in a discreet position, bounded on two sides by mature trees. The main part of the building has a considerable length with a dual-pitched roof giving the building an overtly horizontal emphasis. The site is close to other residential properties, comprising primarily two-storey detached dwellings. There are examples of dormer windows in the locality, including within a roof slope of a neighbouring dwelling.
15. The proposals for both appeals include two dormer windows either side of a central dormer window. The dormers would be positioned within the roof slope, which faces away from Garden Close towards the open field beyond a row of mature trees. Given the orientation of the building and presence of the mature trees, the proposals would be largely obscured in views from Garden Close and the Leatherhead By-Pass.
16. In the case of Appeal A, the three dormer windows would be finished with a shallow monopitch roof. Although the dormer windows would be wide, their limited height and the central positioning within the roof slope would reflect

the horizontal emphasis of the main part of the building. The dormers would be set in from the side elevation and the eaves and would be well below the ridge height of the main part of the building. Consequently, the dormer windows would not appear disproportionate and would be subservient additions that would respect the character and appearance of the building.

17. In the case of Appeal B, the dormer windows would have a half-hipped roof and would be narrower than the dormers in Appeal A. The ridge of the dormers on either side of the central dormer window would match the ridge height of the main part of the building. The additional height of the dormer windows would jar with the horizontal emphasis of the building. While half-hipped dormers are present on other dwellings in the area, the proposed dormers would not reflect the character of the building at the site and would appear as bulky and discordant additions within the roof slope.
18. In both cases, the proposals also include alterations to the fenestration. The Council has not raised concerns with respect to these alterations and I see no reason to disagree.
19. In the case of Appeal A, I conclude that the proposal would have an acceptable effect on the character and appearance of the area. The development therefore accords with Policy EN4 of the LP, which requires development to be of a high-quality design that makes a positive contribution to its local character.
20. In the case of Appeal B, I conclude that the proposal would harm the character and appearance of the area. The development therefore conflicts with Policy EN4 of the LP.

Conditions

21. In the case of Appeal A, in addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.

Conclusion

22. For the reasons given above I conclude that Appeal A should be allowed.
23. For the reasons given above I conclude that Appeal B should be dismissed.

J Pearce

INSPECTOR