



Appeal Decision

Site visit made on 1 November 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Ref: APP/K3605/D/24/3349205

**Heron Water 14 Beasleys Ait Lane, Fordbridge Road, Sunbury-on-Thames
TW16 6AS**

- 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 Alex Harman against the decision of Elmbridge Borough Council.
 - The application Ref 2024/0736.
 - The development proposed is for alteration and extension of an existing bungalow, by way of two-storey side extensions, rear infill extension, rear dormer window, raised decking, rear terrace, pitched roof over new front porch, front/rear rooflights and alterations to fenestration following partial demolition of existing house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - whether or not the proposal would be inappropriate development in the Green Belt;
 - if inappropriate development, the effect of the proposal on the openness of the Green Belt;
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the 'very special circumstances' which would be necessary to justify it.

Reasons

3. The National Planning Policy Framework (the Framework) establishes that development within the Green Belt should be regarded as inappropriate unless one of the specified exceptions applies. Exception (c), as set out in paragraph 154 of the Framework, allows for the extension and alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.
4. Policy DM18 of the Elmbridge Borough Local Plan: Strategy and Sites 2015-2034 (Local Plan) generally follows the approach in the Framework but sets out specific criteria for extensions, either individually or cumulatively, which includes not resulting in an increase in size beyond 25% volume and footprint

- of the original building. The policy also includes details of how ancillary buildings and elements to be demolished will be assessed.
5. The existing property is not the original building having been replaced in the 1980s. Full details, in particular the volume of the original building, are not provided by either party, and the only figures I have are those within the Council's officer report. They are, however, somewhat unclear and lack clarity in relation to this proposal as they refer to various outbuildings and indicate that the proposed development would increase the footprint by 22 sqm based on the previous scheme (Council reference 2023/2228).
 6. With reference to the measurements shown on application plan 2020/81/L101 the proposed side extension on its own would be 24.6 sqm and would equate to an increase in footprint of more than 25% (based on the Council's figure of 88sqm for the original footprint). In addition, two porch extensions are proposed to the front and there are additional alterations which do not affect the footprint, including a rear dormer, an infill and changes to the roof profile.
 7. Some elements of the existing property are to be demolished, but the various re-configurations and extensions would add more than is to be removed. The Council reference the garage being demolished, but this is not specifically identified as such in the description of the development or referred to in the appellant's statement, and therefore, it is not a matter to which I have given any weight.
 8. The appellant has not provided any specific calculations but acknowledges that the 25% "rule" is exceeded. Rather, they indicate the need for some flexibility with consideration also given to design rather than just applying a mathematical metric. As I do not have detailed figures the level of deviation from the 25% is not quantified, although I note the Council and third parties refer to a 68% increase in volume, with reference to the previous application for the same development, and as such it is not in the realm of being small.
 9. The supporting text to Policy DM18 explains that the percentages offer a clear parameter, therefore limiting ambiguity and providing defined criteria on what the Council consider to be disproportionate additions. Additionally, the policy applies to the whole of the Green Belt equally and does not offer any kind of adjustment based on the extent to which the site is isolated.
 10. The appeal decision relating to a different Local Authority is not of direct relevance to this application where the policy sets out specific criteria to determine whether a proposal would be a disproportionate addition. Therefore, even applying the approach the appellant is suggesting, of not considering openness as part of the assessment, the proposal conflicts in part with policy DM18.
 11. The appeal property is part of a long row of detached properties along Beasleys Ait Lane and forms part of a wider extent of properties along the edge of the river. The other properties in the lane are primarily bungalows, although many have rooms in the roof, and there is a substantial two-storey property at Weir Hear. Additionally, garages and outbuildings sited adjacent to the lane restrict full views of the properties and add to the built form, thereby, the visual appearance of the street scene lacks openness (albeit the buildings are limited in height). As set out in the Framework, the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. Located

within the existing plot and as part of an established linear stretch of residential properties the proposed development would not conflict with the Green Belt purposes.

12. Nonetheless, it would fail to accord with criterion ii) of policy DM18. As such it is a disproportionate addition and, therefore, would constitute inappropriate development. This is calculated against the original building, and any comparison with another scheme is not relevant to this assessment.
13. Paragraphs 152 and 153 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be attached to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Other matters referenced by the appellant, including the fallback, are considered below as "Other Considerations".

Openness

14. Openness is one of the essential characteristics of the Green Belt. The proposal would make a number of alterations to the property. To the extent that the footprint would increase, there would be a change in spatial terms, the massing of the building would also increase, and there would be a reduction in the separation from the neighbouring property.
15. Having regard to the residential context, the development would not materially impact the visual amenity of the area and the green belt. However, the enlarged property would be seen from the neighbouring property, and there would be some views from the lane and wider area.
16. For these reasons, whilst limited and localised, the proposal would give rise to some loss of openness, which adds to the Green Belt harm and conflict with Local Plan policy DM18.

Other Considerations

17. Planning permission has already been granted (Council reference 2023/3130) for a number of alterations to the property which includes many of the elements which form part of this proposal. The key difference is primarily the height and design of the side extension.
18. The appellant explains that the extant scheme would be built as a fallback but that the appeal proposal is more appropriate and eliminates what they considered to be an aesthetically odd design of the side extension, which was to accord with the 25% size limitation.
19. I have no reason to doubt that the extant scheme is a genuine fallback. I also accept the premise that seeking to comply with an arbitrary figure could lead to a contrived design and that the appeal proposal takes a more integrated design approach. However, whilst the cut-out form and projecting roof planes over the flat roof are somewhat unusual, the design of the extant scheme has been found to be acceptable, and it is restricted to a single-storey extension. Therefore, whilst in both cases the footprint would be the same, the additional roof form and associated bulk would add greater volume and visual massing to the property.

20. Consequently, as a whole I cannot agree that the extant scheme would result in demonstrably greater visual impact and reduced design quality as compared to the appeal proposal as advocated by the appellant.
21. Reference is also made to larger extensions which have been permitted to other properties along the lane. The full details are not before me, but those to Riverbank and Alicecote predate the current local plan, and alterations to Peter Pans were to increase the ridge height of the bungalow with no increase to the footprint. Therefore, they are not directly comparable.
22. The Council have found that the design of the proposed scheme would be appropriate for the host property and would not cause harm to the character of the area. I have no reason to disagree although compliance with other policies is a neutral factor.

Other Matters

23. I understand the appellant's concerns regarding consistency and that matters such as the fallback were not considered by the Council. I have, however, considered this proposal on its own merits and the evidence before me, including the case law referenced.

Planning Balance

24. In line with the Framework, substantial weight is to be given to the definitional harm derived from the proposal being inappropriate development in the Green Belt. There would also be some limited harm to openness.
25. The Council has not raised any other concerns or policy conflicts, and therefore, there is no additional harm.
26. I accept that the extant scheme represents a fallback and that the visual amenity of the character of the area would be maintained. However, even taken together the other considerations put forward provide little support for the scheme. Accordingly, these do not clearly outweigh the totality of the harm, and therefore, the 'very special circumstances' required to justify the proposal do not exist.

Conclusion

27. The proposed extensions and alterations would not accord with the development plan and there are no other material considerations to outweigh that finding. Therefore, for the reasons given, the appeal is dismissed.

G Ellis

INSPECTOR