

ITEM 4.2

Application: 2023/806

Location: Alwyn, Green Lane, Shipley Bridge, Horley, Surrey, RH6 9TJ

Proposal: The erection of a single storey flat roofed rear extension, along with a pitched roof over a flat roofed rear extension.

Ward: Burstow, Horne & Outwood

Decision Level: Director of Planning (delegated Decision)

Constraints – Green Belt, Article 4, Area of Special Advertising Consent, Ancient Woodland within 500m, Special Protection Area(s), Gatwick Bird Strike Zone, NATS Gatwick Radar 15m/all, Gatwick Safeguarding, LEQ noise contours 57-60, Class X Road, Footpath No. 451

RECOMMENDATION: PERMIT subject to conditions and S106 agreement

1. This application is being reported to planning committee as the applicant has entered into a Unilateral Undertaking dated 18th August 2023 pursuant to Section 106 to secure this application as an alternative permission to that granted under 2022/222/NH and 2022/528 and not to carry out any further building operations or seek to complete the detached double garage and screen wall granted under terms of 92/356 on the 16th June 1992 which was subsequently considered an existing development under 2022/1243.

Summary

2. The site is located within the Green Belt. The proposals would comprise inappropriate development in the Green Belt which, by definition, is harmful to the Green Belt. However, it is considered that very special circumstances exist which would outweigh the harm moderate harm to openness that has been identified. The design of the proposal is considered acceptable and would not cause harm to the character and appearance of the area, nor to the amenities of neighbouring residents. As such, it is therefore considered that planning permission be approved.

Site Description

3. The site comprises a detached bungalow located on the east side of Green Lane within the Green Belt area in Horley. The site can accommodate for parking to the front of the dwelling and the surrounding area is rural.

Relevant History

4. The relevant planning history is as follows:

GOR/403/70 - Extension to provide dining room, boxroom/store and lobby. Approved 14/08/1970

87/844 - Single storey rear extension to provide bedroom and bathroom for disabled person. Approved 29/09/1987

92/356 - Erection of detached double garage with games/playroom over and erection of screen wall. Approved 16/06/1992

2021/1353 - Erection of single storey rear extension pitched roof over existing flat roof (previous extension). Refused 15/09/2021

2022/222/NH - Erection of a single storey rear extension which would extend beyond the rear wall of the original house by 8 metres, for which the maximum height would be 2.75 metres, and for which the height of the eaves would be 2.75 metres (Notification of a Proposed Larger Home extension). Prior Approval is not required 28/03/2022

2022/528 - Erection of a single storey rear extension (Application for a Certificate of Lawful Development for a Proposed Use or Development). Lawful 04/07/2022

2022/1243 - The digging of four trenches to contain foundations at each corner of the proposed double garage, relating to Application No. TA/92/P/356 concerning the erection of a detached double garage with games/playroom over. (Application for a Certificate of Lawful Development for an Existing Use or Development) Granted 24/01/2023

Proposal

5. The erection of a single storey flat roofed rear extension, along with a pitched roof over a flat roofed rear extension.

Key Issues

6. The site is located within the Green Belt and a key consideration is whether the proposal would constitute inappropriate development and, if so, whether very special circumstances exist that would clearly outweigh the harm by reason of inappropriateness and any other harm. Other key considerations are the impact of the proposal upon the character and appearance of the surrounding area and the amenities of neighbouring residents.

Development Plan Policy

7. Tandridge District Core Strategy 2008 – Policies CSP1, CSP2, CSP3, CSP11, CSP12, CSP14, CSP17, CSP18, CSP21
8. Tandridge Local Plan Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP10, DP13, DP19
9. Woldingham Neighbourhood Plan (2016) (not applicable)
10. Limpsfield Neighbourhood Plan (2019) (not applicable)
11. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 (not applicable)
12. Emerging Tandridge Local Plan 2033

Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance

13. Tandridge Parking Standards SPD (2012)
14. Tandridge Trees and Soft Landscaping SPD (2017)

15. Surrey Design Guide (2002)

National Advice

16. National Planning Policy NPPF (NPPF) (2023)

17. Planning Practice Guidance (PPG)

18. National Design Guide (2019)

Consultation Responses

19. County Highway Authority – As it is not considered that the likely net additional traffic generation, access arrangements and parking would have a material impact on the safety and operation of the public highway, the highway authority were not consulted on this application.

20. Burstow Parish Council – None received

Public Representations/Comments

21. Third Party Comments:

- 3 representations received in support of the application.
- No representations have been received in objection.

Assessment

Procedural note

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraph 12 asserts that it 'does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'.

23. The Tandridge District Core Strategy and Local Plan Part 2 Detailed Policies predate the NPPF as published in 2023. However, paragraph 219 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF document. Instead, due weight should be given to them in accordance to the degree of consistency with the current NPPF.

24. This application has been submitted as an alternative to that submitted under 2022/222/NH, 2022/528 and the development which has commenced under 92/356 which was lawfully confirmed under 2022/1243. The applicant has entered a Unilateral Undertaking dated 18th August 2023 pursuant to Section 106 to confirm that the previously commenced development will not be completed or continued, nor will the previously approved applications.

Green Belt

25. The NPPF supports the protection of Green Belts and the restriction of development within these designated areas. Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of the Green Belt being its openness and permanence.
26. Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and lists a number of exceptions. Exceptions to this include at section 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”.
27. Policy DP10 of the Local Plan reflects paragraphs 147-151 of the NPPF in setting out that inappropriate development in the Green Belt is, by definition, harmful and that substantial weight must be attributed to this harm. Permission should only be granted where very special circumstances can be demonstrated to outweigh the harm by reason of inappropriateness and any other harm identified.
28. Policy DP13 of the Local Plan lists exceptions to new buildings in the Green Belt being regarded as inappropriate development and includes an assessment for the extension/alteration of buildings and the re-use of buildings. In terms of extension/alteration proposals, these will be permitted where the proposal does not result in disproportionate additions over and above the size of the original building as it existed at 31 December 1968 (for residential dwelling) or if constructed after the relevant date, as it was built originally.
29. The planning history of the site indicates the property as it was before 1968. Since then a number of extensions have been constructed. The starting point for a consideration of whether the proposals would be considered disproportionate, is the original volume of the house. This was found to be approximately 313m³. The calculations are as follows:
- | | |
|---------------------------------|-------------------|
| Original dwelling | 313m ³ |
| Proposed and existing additions | 413m ³ |
| Total | 726m ³ |
30. The full volume increase from the original dwelling incorporating any additions since 1968 and that proposed within this application calculates at an increase of 132% over the original dwelling.
31. As such, the proposal is considered to result in the mathematically disproportionate enlargement of the dwelling and would therefore result in inappropriate development in the Green Belt contrary to the NPPF and Policies DP10 and DP13 of the Local Plan.
32. In addition to the above, it is necessary to assess the effect on the openness of the Green Belt. In this instance, due to the nature of the extensions and relationship to existing built form, the effect on openness would be limited. The rear extension would infill the rear corner and extend no further than the existing side elevations, whilst the roof extension would be set back and no higher than existing. The proposed development would therefore not result in more than limited harm to the openness of the Green Belt in this regard or result in a visually disproportionate dwelling. This does not overcome the mathematical assessment above which concludes that the proposal would result in a mathematically

disproportionate addition to the dwelling and it would more than double the volume of the existing dwellinghouse, which is considered to be inappropriate development.

33. In such circumstances, it would be necessary to consider whether there are any very special circumstances which would outweigh the harm that is caused by reason of inappropriateness and any other harm identified. This report therefore goes on to consider whether any other harm is caused by the proposed development before making an assessment of whether there are any very special circumstances.

Character and Appearance

34. Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It goes on to state that planning decisions should ensure that developments will function well, add to the overall quality of the area, be sympathetic to local character and history (whilst not discouraging innovation) and establish a strong sense of place. It also states that development that is not well designed should be refused.
35. Policy CSP18 of the Core Strategy requires that new development should be of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained.
36. Policy DP7 of the Local Plan Part 2: Detailed Policies requires development to, inter alia, respect and contribute to the distinctive character, appearance and amenity of the area in which it is located, have a complementary building design and not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design.
37. Policy CSP21 of the Tandridge District Core Strategy advises that the character and distinctiveness of the Districts landscapes and countryside will be protected for their own sake and that new development will be required to conserve and enhance landscape character.
38. The prevailing character of the area is mostly detached dwellings set of large spacious informal plots. There is no distinct character or pattern of development, where the style and appearance of each site varies along with the scale and arrangement. Planning permission is sought for the erection of a single storey side/rear extension and roof including loft accommodation over part of existing side extension.
39. In terms of the rear extension, this would infill the side and rear with a depth no greater than existing and would not extend beyond the side flanks of the existing dwelling. The design of the extension would remain single storey with materials to match existing. Given the modest scale, and relationship within the streetscene, this element of the proposal would not have significant impact upon the streetscene or character and appearance of the site.
40. The proposed roof extension over part of the existing side extension would be set behind the existing roof form, with a height and pitch to match the existing. Whilst

the roof would fail to directly integrate with the existing roof, it would be stepped back in nature and respectful to the existing design and would not detrimentally harm the character of the site to such degree where a refusal could be warranted.

41. For the above reasons the proposal would not have significant impacts in terms of character and appearance and would therefore comply with the provisions of Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies and Policy CSP18 of the Core Strategy.

Residential Amenity

42. Policy CSP18 of the Core Strategy advises that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any adverse effect. Criteria 6-9 of Policy DP7 of the Local Plan Part 2: Detailed Policies seek also to safeguard amenity, including minimum privacy distances that will be applied to new development proposals.
43. The above policies reflect the guidance at Paragraph 130 of the NPPF, which seeks amongst other things to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users of development.
44. The site is isolated where there are no direct neighbouring properties adjoining the boundaries. The closest residential neighbour would be Fiveoaks Green opposite the highway to the east side. The application site is in close proximity to Green Barn which is understood to be a commercial premises run by Bianco Auto Developments. The proposed enlargements would not impact separation to boundaries, where sufficient distances are continued to be demonstrated. Given this, and the modest scale, it is not considered that the development would result in significant harm to neighbouring amenity by reason of overbearing, overshadowing or overlooking effects.
45. For the reasons outlined, the proposal is considered acceptable in terms of the potential impact upon the residential amenities and privacy of existing properties and therefore no objection is raised in this regard against Policy DP7 of the Local Plan (2014) and Policy CSP18 of the Core Strategy (2008).

Very Special Circumstances

46. As discussed above, it is considered that the proposed development would comprise inappropriate development within the Green Belt which would have a greater impact on openness than the existing development on the site. It has also been found that the proposed development would have a harmful impact on openness, albeit to a limited degree.
47. In such circumstances, and in accordance with paragraph 147 of the NPPF, inappropriate development is, by definition, considered harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given 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 resulting from the proposal, is clearly outweighed by other considerations.

48. The applicants have referred to the planning history of the site and specifically to the Lawful Development Certificate under ref: 2022/528 for the erection of a single storey rear extension following 2022/222/NH. The applicants also refer to a Certificate of Lawfulness for an existing operation under 2022/1243 which confirms the commencement of the application approved under 92/P/356 for the erection of a detached double garage with games room over. Given the proximity of the approved structure to the existing dwelling, it is considered that its volume can be offset. The volume of the detached lawful garage building has therefore been included within the calculations below.
49. The rear extension permitted by the Lawful Development Certificate and the detached garage would result in a net increase 261m³. This would increase the volume by 135%. The applicants therefore claim that this is a worse alternative mathematically than the proposed extensions subject to this planning application which would result in a smaller increase of 413m³ – 132%.
50. In the past, case law has determined that the existence of a fallback position can amount to very special circumstances. Furthermore, if a fallback position is claimed, the courts have found that the basic principle for a prospect to be a “real prospect”, it does not have to be probable or likely; instead, a possibility will suffice. In such cases, inspectors and the courts have found that in some cases a degree of clarity and commitment may be necessary.
51. In an appeal in the Oxford Green Belt relating to the replacement of an existing dwelling with a new dwelling, an Inspector found that the development would be clearly inappropriate in policy terms, being 73 per cent larger in volume than the original house. Looking at the area as a whole he found a moderate adverse impact on openness. He judged, however, that the proposed house was well designed and in keeping with other modern development in the area. He considered that it would cause no harm to the pleasant rural character and appearance of the settlement. The appellant had bought the site three years previously with a view to it being his retirement property. He had obtained planning permission for its extension. In addition, plans had been prepared to show further extensions that could be constructed under permitted development rights, and a lawful development certificate had been obtained in relation to these extensions. The inspector was satisfied that there was a strong likelihood of the fallback position being implemented were the appeal to be dismissed. He also noted a professional assessment which concluded that the energy demand and carbon dioxide emissions for the replacement house would be 59 per cent less than with the fallback position. In respect of design, the extended house would have a rather piecemeal appearance, whereas the replacement house would be an attractive and well-proportioned property. The more compact design of the replacement house would also result in a limited improvement to the openness of the green belt. Taken as a whole, the inspector concluded that these other matters clearly outweighed the harm so as to amount to the very special circumstances to justify the development
52. In this case, the applicants have obtained a written consent for extensions and a garage attached by a 2 metre high wall which would result in a dwelling much larger in volume than the proposed extensions along with a bulkier design. If the fallback position was to be exercised, in the event that this application was refused, the resulting dwelling would be of a piecemeal appearance with a significantly greater footprint overdeveloping the application site. In contrast the proposed extensions, would have a smaller volume and improved design benefitting the appearance of the dwelling and site. The resulting appearance would be significantly improved with a cohesive design where the extensions

integrate comprehensively with the existing dwelling. As a result, it is considered that only limited harm would be caused to the openness of the Green Belt. Further development on the site could also be controlled through the use of planning conditions to control extensions to the property and outbuildings within the curtilage.

53. In these circumstances, even affording substantial weight to the harm caused by the development being inappropriate development and the limited harm caused to the openness of the Green Belt, it is considered that very special circumstances exist which would outweigh the harm that would be caused. Therefore, the development on the site is considered to be justified.

Conclusion

54. The site is located within the Green Belt. The proposals would comprise inappropriate development in the Green Belt which, by definition, is harmful to the Green Belt and cause limited harm to openness. Both elements of harm are afforded substantial weight. However, it is considered that very special circumstances exist which would outweigh the harm that has been identified.
55. The recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with paragraph 218 and 219 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.
56. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION: PERMIT subject to the following conditions and S106 Planning Obligation

1. The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This decision refers to drawings numbered JBD/RH6/9TJ/059A, JBD/RH6/9TJ/051A, JBD/RH6/9TJ/060A, JBD/RH6/9TJ/061A, JBD/RH6/9TJ/062A, JBD/RH6/9TJ/063A, JBD/RH6/9TJ/064A, JBD/RH6/9TJ/065A, JBD/RH6/9TJ/066A, JBD/RH6/9TJ/067A, JBD/RH6/9TJ/068A received on 28th June 2023. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

3. The materials to be used on the external faces of the proposed development shall be in accordance with the details shown on the submitted application particulars.

Reason: To ensure that the new works harmonise with the existing building to accord with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

4. Notwithstanding the provisions of Classes A, AA, B and D of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no further enlargement of the dwelling shall be carried out without the express permission of the District Planning Authority.

Reason: To retain control over the habitable accommodation at this property and ensure that the dwelling is not enlarged contrary to the District Planning Authority's restrictive policy for the extension of dwellings in the Metropolitan Green Belt in accordance with Policy DP10 and DP13 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages, sheds, greenhouses or other ancillary domestic outbuildings shall be erected without the express permission of the Local Planning Authority.

Reason: To preserve the openness of the Green Belt and to control further development of the site in the interests of the character of the area and amenities of nearby properties in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policies DP7, DP10 and DP13 of the Tandridge Local Plan: Part 2.

Informatives

1. Condition 2 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 2 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.

The development has been assessed against Tandridge District Core Strategy 2008 Policies CSP1, CSP18, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1, DP10, DP13 and material considerations. It has been concluded that the development, subject to the conditions imposed, would accord with the development plan and there are no other material considerations to justify a refusal of permission.

The Local Planning Authority has acted in a positive and creative way in determining this application, as required by the NPPF, and has assessed the proposal against all material considerations including the presumption in favour of sustainable

development and that which improves the economic, social and environmental conditions of the area, planning policies and guidance and representations received.

Planning Obligation pursuant to Section 106

The applicant has entered into a Unilateral Undertaking dated 18th August 2023 to secure this application as an alternative permission to that granted under 2022/222/NH and 2022/528 and not to carry out any further building operations or seek to complete the detached double garage and screen wall granted under terms of 92/356 on the 16th June 1992 which was subsequently considered an existing development under 2022/1243.