

### ITEM 3.3

**Application:** 2023/1272

**Location:** 19 Hilltop Walk, Woldingham, Caterham, Surrey, CR3 7LJ

**Proposal:** Removal of roof and various external walls with exception of the side and front. Rebuilding of structure in association with single storey side and rear extensions with new roof over and front porch. Construction of hardstanding to serve as parking.

**Ward:** Woldingham

**Decision Level:** Committee

*Constraints – Green Belt, Proposed Area of Outstanding Natural Beauty, Areas of Special Advertising Consent, Ancient Woodland(s) within 500m, Biggin Hill Safeguarding, Protected Species Area(s) within 35m, N Road Class, Rights of Way Footpath 42, Source Protection Zones 2 and 3*

#### **RECOMMENDATION:**

**Grant subject to conditions**

1. The application is called to Committee following Member request from Councillor North due to the development constituting inappropriate development within the Green Belt.

#### **Summary**

2. Planning permission is sought for the reconstruction of part of the existing dwelling, in association with single storey side and rear extension and new roof over. The application site located within the Green Belt and in this case, part of the proposal is considered to represent inappropriate development. However, Very Special Circumstances (VSC) are considered to outweigh the harm identified to the Green Belt. Further to this, the proposed development is considered acceptable with regards to neighbouring amenity, character and appearance and other factors such as highways. As such, it is recommended that (conditional) planning permission be granted.

#### **Site Description**

3. The site is located to the northern side of Hilltop Walk, within the Green Belt area in Woldingham. The site slopes downwards to the north, where the properties along Hilltop Walk are located on a higher level than those along Beulah Walk. The site comprises of a bungalow, although it is noted that a large part including original walls and the roof have been removed. The front and side original walls have been underpinned and supported by scaffolding. There are other residential properties surrounding the site which is generally built up within the hamlet of properties, with open countryside further north, east and south of the site.

#### **Relevant History**

4. Relevant history listed below:

CAT/10319 - Siting of one mobile dwelling unit in connection with the construction of a new house - Approved with Conditions 09/02/1973.

CAT/8332 - Detached dwelling - Approved with Conditions.

CAT/9651 - Erection of garage Approved with Conditions 19/11/1971.

2020/1322 - Erection of detached outbuilding in rear garden. Approved 21/09/2020

2021/698/NH - Erection of single storey rear extension which would extend beyond the rear wall of the original house by 8.00 metres, for which the maximum height would be 4.00 metres, and for which the height of the eaves would be 3.00 metres (Notification of a Proposed Larger Home Extension) Prior approval required and not given 23/06/2021 Appeal Allowed.

2021/713 - Erection of a single storey side extension (Certificate of lawfulness for proposed use or development) Planning permission is not required 13/08/2021

2021/713/NMA1 - Non Material Amendment for Side extension to be dropped by 0.5m to better accommodate the existing ground levels; Side door added; Side extension to be finished in flint, not timber cladding; Windows of the existing house to be lowered to accommodate a drop in floor levels; 4 rooflights; New slates roof to replace existing felt roof; Demolition of existing chimney stack; New entrance door which is to be set-back by approx.1.m, attached to pp 2021/713 for "Erection of a single storey side extension (Certificate of lawfulness for proposed use or development)" Refused 27/02/2023 .

2022/145/NH - Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 7.00 metres, for which the maximum height would be 4.00 metres, and for which the height of the eaves would be 3.00 metres. (Notification of a Proposed Larger Home Extension) Prior approval required and not given 09/03/2022.

### **Proposal**

5. Removal of roof and various external walls with exception of the side and front. Rebuilding of structure in association with single storey side and rear extensions with new roof over and front porch. Construction of hardstanding to serve as parking.

### **Key Issues**

6. The site is located in the Green Belt where the key issue is whether the proposal constitutes inappropriate development and, if so, whether very special circumstances are demonstrated that clearly outweigh the harm by definition and any other harm. Other important material considerations are the impact on character and appearance and residential amenity.

### **Development Plan Policy**

7. Tandridge District Core Strategy 2008 – Policies CSP1, CSP18, CSP19, CSP20, CSP21
8. Tandridge Local Plan Part 2 – Detailed Policies 2014 – Policies DP1, DP7, DP10, DP13
9. Woldingham Neighbourhood Plan (2016) – Policy L1 and L2

10. Limsfield 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. Woldingham Design Guidance SPD (2011)
16. Woldingham Village Design Statement SPD (2005)

### **National Advice**

17. National Planning Policy Framework (NPPF) (December 2023)
18. Planning Practice Guidance (PPG)
19. National Design Guide (2019)

### **Consultation Responses**

20. 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.
21. Woldingham Parish Council (full comments can be viewed online) – “Woldingham Parish Council object to application 2023/1272, at 19 Hilltop Walk, Woldingham on the basis that it is inappropriate development in the Green Belt which is by definition harmful and for which no very special circumstances exist”

### **Public Representations/Comments**

22. Third Party Comments

#### **Objections**

- Proposal is not accurate
- Eaves height under prior notification was 3 metres, this application is 4 metres
- The size is not in keeping with the surrounding area
- The application should be for full planning
- Comments raised in relation to the provision of off-road parking
- Noise, light and emissions resulting from car parking arrangement
- Highway safety concern and obstruction due to parking
- Overdevelopment of site
- Movement of cars will cause disruption

#### **Comments in support**

- Building was not fit for habitation
- Development in keeping with area
- Previous building was not energy efficient
- Plans are more sympathetic with surrounding area
- Materials considered in keeping
- Existing house was designed to be temporary
- Preserves unique built heritage of the village – in accordance with Woldingham Neighbourhood Plan
- Structure would be suitable for inhabitants with reduced mobility
- Development does not interrupt views locally
- Development does not formalise road treatments, nor subdivide or result in tandem development in accordance with Woldingham Neighbourhood Plan
- Volume consistent with other developments in the vicinity

## **Assessment**

### Status of Local Plan

23. At present, the emerging Local Plan “Our Local Plan 2033” technically remains under examination. However, no weight can be given to policies in the emerging Local Plan due to the Inspector’s findings that the emerging Local Plan 2033 cannot be made sound. Therefore, the adopted Local Plan remains the 2008 Core Strategy, the Local Plan Part 2: Detailed Policies 2014-2029, the Caterham, Chaldon & Whyteleafe Neighbourhood Plan, the Limpsfield Neighbourhood Plan and the Woldingham Neighbourhood Plan.
24. The evidence base published alongside the emerging Local Plan 2033 does not form part of the proposed Development Plan. The eventual non-adoption of the emerging Local Plan does not place more or less weight on the emerging Local Plan 2033 evidence base than on any other evidence base published by the Council. Until such time that evidence base studies are withdrawn, they remain capable of being a material consideration for planning applications. Paragraph 225 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 Framework document. Instead, due weight should be given to them in accordance to the degree of consistency with the current Framework.

### Procedural Matter

25. An objection received to the proposal suggests that full planning permission should have been sought rather than householder planning permission.
26. Extensive works have occurred at the site that go beyond the works that might have been permitted development. However, as two walls remain, it is considered that the works do not represent the complete demolition of the dwelling. Accordingly, it would not be accurate to describe the resultant dwelling as a replacement dwelling and therefore the development is considered to be an extension of the dwelling.
27. The Town and County Planning Act 1990 defines a householder application as:
- (a) an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse*

28. Given that the existing walls would be retained, it is considered that the works can be accepted to fall within the terms of '*development for an existing dwellinghouse*' and as such, the type of application that has been submitted is considered to be appropriate.
29. In this instance, noting that full public consultation has been undertaken and it is apparent from the comments that the nature of the development has been clear to interested parties, it is not considered that this distinction will have prejudiced any parties' abilities to comment on the development.

### Green Belt

30. Paragraph 152 of the NPPF advises that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances with paragraph 153 adding that such circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Paragraph 154 of the NPPF sets out a number of exceptions for the construction of new buildings in the Green Belt being regarded as inappropriate and, under criterion c), this includes 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 which applies to this proposal.
31. Local Plan Policy DP10 advises that within the Green Belt, planning permission for any inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused and will only be permitted where 'very special circumstances' exist that clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm.
32. 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 on 31 December 1968 (for residential dwelling) or if constructed after the relevant date, as it was built originally.
33. The courts have held that some outbuildings may be considered as extensions on the basis that they are 'normal domestic adjuncts', for example, the construction of a garage in close proximity to a dwelling. It is noted that case law has established that physical separation does not prevent development from being regarded as an extension to an original building (or buildings) and that case law or the Council do not set a distance at which a free-standing building should, or should not, be considered as an extension. Nevertheless, it is noted that the Judge in the case of Dawe commented that it is 'a matter of fact and degree in every case', and so, is for the decision maker to assess. The function of the buildings are related to the dwelling and given the relatively small scale of the site, are visually associated as well as functionally associated with the main dwelling. As such it is considered that the outbuildings are a 'normal domestic adjunct' and can therefore be considered within the mathematical assessment.
34. The volume of the original buildings as at the abovementioned date appears to have been 472 cubic metres for the dwelling, and approximately 51 cubic metres for the outbuildings. As a result of the proposed works of extension and alteration, the resultant dwelling would have a volume of 1026 cubic metres.

When also considering the demolished outbuilding, this would represent an increase of 96%.

35. Mathematically, the proposed extensions are considered to be disproportionate with a significantly greater volume over the original. In addition to the above, it is necessary to assess the effect on the openness of the Green Belt. In terms of a visual assessment, the extensions would significantly increase the level and presence of built form on site; however, in terms of the openness of this part of the Green Belt, given the reasonably built-up locality it is not considered that the extensions would be significantly detrimental to the openness of the Green Belt. The visual impact upon the openness would therefore be limited.
36. As such, the proposal is considered to result in a 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.
37. According to the NPPF, inappropriate development is by definition harmful and should not be approved except in very special circumstances, this is discussed below.

#### Very Special Circumstances

38. In such circumstances, and in accordance with paragraph 152 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 153 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.
39. The history of the site outlines previous applications which were granted to allow single storey side and rear extensions using permitted development rights set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015. These were granted under the application references 2021/713 and 2021/698/NH. It is understood that during implementation of the above-mentioned consents, structural issues were identified and part of the dwelling demolished as a result.
40. The partial demolition of the dwelling did not require planning permission, but it does however mean that the extensions previously granted can no longer be implemented in their current form (as the original roof, side and rear wall has since been removed) and the total development that is the subject of this planning application would go beyond what could constitute permitted development as set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
41. The extensions, as outlined above, would represent inappropriate development in the Green Belt. However, the proposed development submitted subject to this assessment would not be materially different to the permitted development extensions that could have occurred had the building not been partially demolished. The extensions considered lawful under 2021/698/NH and 2021/713 would have resulted in an increase in volume of up to 598 square metres (based on the details provided), this could have represented a 127%

increase in volume over the original (105% if including the demolition of existing structures). As such, the proposed development subject to this assessment would represent an increase of at 96% and therefore smaller than what could have been achieved under permitted development prior to the partial demolition. This is owing to the reduced height of the side extension, the footprint and appearance will remain similar to what was also considered lawful under permitted development originally.

42. It is noted that permitted development rights no longer provide a direct fallback position as substantial parts of the pre-existing dwelling have been removed.

As established under, APP/Q1445/X/19/3233112 (31 Welbeck Avenue, Hove BN3 4JP May 2020), it would be possible to add permitted development right extensions to the dwelling provided that they still fall within the remit of what would have been permitted development. In the abovementioned appeal the Inspector stated that "... *the rear extension as built does not extend beyond the rear of the original dwelling, being the rear wall of the now demolished lean-to*". This implies that an original rear wall that has been (entirely) removed still forms part of "the rear wall of the original dwellinghouse". Whilst it is agreed that the combination of the works, including the new roof would go beyond what could be achieved under permitted development, this statement supports that fact that even if the original walls are demolished, they remain 'original' in terms of the positioning where the extensions could have been deemed permitted development. As such, had of the roof not been removed, the extension may have been considered lawful.

43. From this basis, whilst recognising that the same situation could not arise without being undertaken in phases, it is considered that the overall outcome would be the same and, from that basis, regard should be had to the alternative resultant situation that could have been achieved.

44. In all matters relating to the application of material considerations it is critically important for decision makers to be aware that the courts will extend the common law principle of natural justice to any decision upon which they are called to adjudicate. The general effect of this is to seek to ensure that public authorities act fairly and reasonably in executing their decision-making functions, and that it is evident to all that they so do. Thus, in terms of development control it is vital that all matters material and pertinent to the making of a planning decision should fairly, reasonably and without bias be taken into account. In this case, it is considered that it would be a reasonable expectation of any person that they would be able to build extensions of the same size as have been approved at the site previously. It is considered that it is just and fair for the applicant to be able to undertake the works that are proposed where there is no overall difference to the size of the development relative to the past permissions.

45. As such, whilst the extensions would be mathematically disproportionate in terms of policy, it would not be materially different in terms of volume, scale or appearance to that granted which would have been constructed on site under different circumstances. The development would also not result in harm to the openness of the Green Belt given the locality with other residential sites adjoining the boundaries of the applications site. As such, it is considered that Very Special Circumstances exist and the harm to the Green Belt is limited in this case.

## Character and Appearance

46. Paragraph 131 of the NPPF 2023 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.
47. 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.
48. 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.
49. The application site is located within a hamlet of properties located to the northwestern side of Woldingham. The immediate area is residential in character with other properties adjoining all boundaries of the site. It is noted that construction has started on site with the intention to implement permitted developments that had been the subject of applications 2021/713 and 2021/698/NH.
50. Planning permission is sought for the rebuilding of the structure including the roof, and the erection of single storey side and rear extensions (similar to what was intended to be built under permitted development). The extensions would increase the width and depth of the dwelling, reducing the separation between these boundaries.
51. Whilst the massing would be significantly greater, given the scale of the site it is not considered that the development would result in overdevelopment or a cramped appearance. The development would maintain a separation to the northeast side to ensure that it does not infill the entire width of the plot as per the Woldingham Neighbourhood Plan.
52. The design of the extensions (and rebuilding of existing) would respect the original character of the dwelling. The roof design and pitch of the side extension would be consistent with the original roof to ensure a balance appearance whilst the height would be slightly lower to ensure the addition remains subservient. The rear extension would have a flat roof and given the location, would not be visible within the streetscene. The proposed materials would also match existing, consisting of timber cladding and slate tiles. The extension would therefore remain in keeping, respecting the original character of the dwelling.

53. The proposed hardstanding to serve as parking would replace an existing parking space and garage to be demolished as a result of the development. The arrangement of parking to the side is not uncommon within residential areas ensuring that it does not dominate the frontage of the property. It is not considered that this aspect of the proposal would result in harm to the character and appearance of the site or area.
54. 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, Policy CSP18 of the Core Strategy and the Woldingham Neighbourhood Plan including the Design Guidance and Character Assessment.

#### Residential Amenity

55. 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.
56. The above Policies reflect the guidance at Paragraph 135 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.
57. The impact of the 8-metre rear extension was considered at appeal by the Inspector. The proposed extension would be the same in terms of design, style and boundary separation and therefore the same conclusions are drawn. The Inspector makes the following comments:

*“The proposed extension would have a considerable depth but would be of a modest single storey scale as the eave’s height would not exceed 3 metres. Whilst I note the neighbour’s concerns with regards to the proximity of the development to No.17’s eastern boundary, the proposed rear extension would not sit directly on the boundary, as it would abut the public footpath. Plan no.2105 L(0)200 A, submitted by the appellant as Appendix 9, indicates that the proposed extension would lie at a distance ranging from 14 metres to 17.4 metres from the neighbouring property at No.17. Whilst I have not verified this distance, I nonetheless note that the neighbouring property is set-in from the boundary by some distance and that as a result there would be a significant separation gap between the two houses which would assist in limiting the impacts of the development.”*

*“I find that the proposed extension would not appear excessively obtrusive or bulky when seen from the rear elevation and garden of No.17. Nor, due to its limited single storey height, would it lead to an overbearing impact or an increased sense of enclosure. For these reasons I consider that the outlook from No. 17’s rear elevation windows and garden would not be unreasonably and adversely affected.”*

58. Given the modest scale of development, proposed form and relationship to neighbouring amenity, it is not considered that the rear extension would result in significant harm to neighbouring amenity by reason of overbearing or

overshadowing effects. The extension would maintain a separation of 13 metres to the rear boundary of the site, which abuts the neighbour at No.16 Beulah Walk. The Inspector had not raised any concerns with regards to this relationship; nonetheless, this has been considered within this assessment. The land steeply slopes downwards towards the north, where the site is higher than the neighbours at Beulah Walk. Whilst some parts of the extension may be visible from these neighbours, the separation demonstrated would mitigate any harm with regards to overbearing or overshadowing effects.

59. Third Party comments raise concerns with regards to the increase in height. The Prior Notification was approved on the basis that the highest point of the development would not exceed 4 metres. It would have also been the case that the eaves height would not have exceeded 3 metres in order to comply with para (i) of Part 1, Class A of the Order; however due to the nature of the application, it was not necessary to provide elevations drawings and so design details would have been unknown. In the case of this application, when measuring from the highest point of natural land level adjacent to the development, the rear extension would have a height of 2.2 metres. When measuring from the lowest point, the height would not exceed 4 metres. In terms of the side extension, the maximum height would be reduced to fall below the ridge height of the remainder of the dwelling which is lower than what was accepted under the previous permitted development scheme.
60. The side extension would extend closest to the neighbour at 21 Hilltop Walk. The extension would maintain a separation of 3.4 metres to the eastern boundary and set below the maximum height of the dwelling conforming to the sloping gradient of the land. Given the modest scale of development, it is not considered that the side extension would result in significant harm to neighbouring amenity by reason of overbearing or overshadowing effects.
61. The applicant proposed two parking spaces along the side of the dwelling to replace the existing space and garage to be demolished as a result of the development. The spaces would be positioned back-to-back to accommodate up to two vehicles off-road. It is noted that there is the potential for additional parking to the front of the dwelling. The use of the parking spaces would create some additional movements in the area, which would involve slow, careful and precise driving manoeuvres in order to turn. However, any increase activity would be associated with the existing dwellinghouse, thus would be fairly limited and likely to be spread over the day, which would not be considered as overly intrusive. Whilst a minimal inconvenience for neighbours, this is not considered significantly harmful to warrant a reason for refusal on amenity grounds.
62. 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).

#### Proposed Area of Outstanding Natural Beauty

63. The proposed development is located within a proposed area of search where Natural England is considering as a possible boundary variation to the Surrey Hills Area of Outstanding Natural Beauty (AONB). Although the assessment process does not confer any additional planning protection, the impact of the proposal on the natural beauty of this area may be a material consideration in the determination of the development proposal.) Natural England considers

the Surrey Hills to be a valued landscape in line with paragraph 180 of the National Planning Policy Framework (NPPF). Furthermore, paragraph 182 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas. An assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies.

64. An extension to an existing AONB is formally designated once a variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Following the issue of the designation order by Natural England, but prior to confirmation by the Secretary of State, any area that is subject to a variation Order would carry great weight as a material consideration in planning decisions.
65. In this case, given the minor scale development and increase in built form in a reasonably dense pocket of development, it is not considered that the development would have any significant impact on the AONB and any views to or from the site which are limited.

#### Other Matters

66. Comments made from the Parish Council refer to the 'fall back' position and that the proposed development should have a reduced impact and therefore not equivalent. In those cases, when proposed an alternative development this would be the generally accepted approach. However, in this case, for the reasons discussed above the resulting mass and appearance would be no different than the intended development and as such Very Special Circumstances are considered to be demonstrated as it is a like-for-like extension and development of what is considered the original dwelling and that which could reasonably occur under the terms of permitted development rights.
67. In this case, it is considered necessary to remove permitted development rights with regards to any future enlargement. Whilst it may be the case that any future extensions may be limited when considering the 'original' walls and extensions subject to this application, for the avoidance of doubt a condition will be imposed preventing any further enlargement under permitted development as this would result in both concerns with regards to character and appearance, and harm to the openness of the Green Belt.

#### Conclusion

68. The proposed rebuilding of the dwelling is not considered inappropriate development within the Green Belt; however, this in association with the extension to the dwelling would be considered to represent inappropriate development which is by definition, harmful. Very Special Circumstances have been demonstrated to outweigh the harm to the Green Belt in this case as the overall outcome would be the same as what could have originally been implemented under permitted development; regard should be had to the alternative resultant situation that could have been achieved. The proposed

development is considered acceptable with regards to neighbouring amenity, character and appearance and other factors such as highways. As such, planning permission is recommended for approval.

69. 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 the NPPF 2023. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

70. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

**RECOMMENDATION:**

**Grant subject to conditions**

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 L(0)204B, L(0)203A, L(0)202B, L(0)201A, L(0)199A, L(0)200B, L(0)102A, L(0)101A, L(0)100A and the red-edged site location plan received on 17<sup>th</sup> January 2024 and L(0)205B received on 21<sup>st</sup> February 2024. 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 Schedule 2, Part 1 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 under Classes A or B shall be carried without the express permission of the Local Planning Authority.

Reason: To retain control over the habitable accommodation at this property and ensure that the dwelling is not enlarged contrary to the Local 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.

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, CSP20, CSP21 Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1, DP7, DP10, DP13, the Woldingham Neighbourhood Plan Policies L1 and L2 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 (2023), 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.