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## Planning Statement

**Proposed Extension and Alterations**

**at**

**Sisyphus  
School Lane  
Norney  
Surrey  
GU8 6AZ**

**August 2023**

**Our Ref: 1733**

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## 1 Introduction

- 1.1 This Planning Statement accompanies the submission of a Householder Planning Application for extensions and alterations to Sisyphus, School Lane, Norney, Surrey GU8 6AZ.
- 1.2 This statement will demonstrate that the application proposes a well-designed and appropriate extension to the existing dwelling which complies with both National and Local Planning Policies.

## 2 Assessment of the Site

- 2.1 The site lies within the Green Belt and outside of an identified settlement area. It is within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV). There are no Tree Preservation Orders on or surrounding the site and it is not within an area of flood risk.

### 2.2 Physical Context of the Site

- 2.2.1 The application site is located to the south east of both Norney and Shackleford and is set in an attractive garden. The main dwelling is labelled in Fig. 1 below and is the subject of this application. Within the curtilage is a double garage (approved in 2022), which is labelled on the extract from Google Maps below:



Fig 1 – Aerial view extract from Google Maps (with approximate site boundary dashed red)

- 2.3 Photographs of the existing dwelling are shown below:



Fig. 2 – Photograph taken from the south west showing the north west (front) and south west (side) elevations of the dwelling



Fig. 3 – Photograph taken from the south east of the south east (rear) elevation of the dwelling



Fig. 4 – Photograph taken from the east showing the location of the proposed extension

#### 2.4 **Social Context of the Site**

2.4.1 There will be no change to the social context of the site.

#### 2.5 **Economic Context of the Site**

2.5.1 The proposed extension will not have any impact on the economic context of the site.

#### 2.6 **Community Involvement**

2.6.1 The neighbours will be consulted by the Council as part of the application process.

### 3 **Planning History**

3.1 Application reference GU/R 9076

3.1.1 Erection of 3 dwellings, shown on deposited plans No. BL 357.

3.1.2 Refused

3.1.3 This application has no relevance

3.2 Application reference GU/R 868/9/68/SHAC

- 3.2.1 Internal and external alterations to dwelling with the addition of a covered way, a porch and first floor bedroom, and the erection of a detached private garage with vehicular access.
- 3.2.2 Approved – 25 November 1968
- 3.2.3 This is the oldest available application on this property and therefore, sets the size of the original dwelling for planning policies relating to extensions in the Green Belt.
- 3.3 Application reference 96/P/00006
- 3.3.1 Extension of a two storey side extension to provide kitchen, hall and cloakroom with bedroom over, following demolition of existing kitchen, hall and conservatory extension and the addition of a dormer (as amended by plans dated 31 January 1996).
- 3.3.2 This consent allowed the two storey extension which currently comprises the staircase, entrance hall, ground floor cloakroom, kitchen and bedroom above.
- 3.3.3 Approved – 8 February 1996
- 3.4 Application reference 97/P/00741
- 3.4.1 Erection of dormer windows to front and rear and conversion of loft space.
- 3.4.2 Approved – 10 July 1997
- 3.4.3 This consent allowed the conversion of the original loft space which now forms the master bedroom.
- 3.5 Application reference 22/P/00202
- 3.5.1 Certificate of Lawfulness to establish whether the proposed single storey rear extension would be lawful.
- 3.5.2 Refused – 12 April 2022
- 3.6 Application reference 22/P/00511
- 3.6.1 Demolition and replacement of front boundary wall and entrance gates.
- 3.6.2 Withdrawn – 27 May 2022
- 3.6.3 This application has no relevance.
- 3.7 Application reference 22/P/00254
- 3.7.1 The erection of a double garage to replace the existing garage/store, the demolition and replacement of front boundary wall and entrance gates with the creation of a new vehicular access and hardstanding.
- 3.7.2 Approved – 9 June 2022
- 3.7.3 This application has been implemented.
- 3.8 Application reference 23/P/00970
- 3.8.1 Certificate of Lawfulness to establish whether the proposed single storey rear extension would be lawful.

3.8.2 Approved – 21 July 2023

3.8.3 This Certificate of Lawfulness provides the applicant's "fallback position". A copy of the approved plans and elevations are included in **Appendix A**.

## 4 Proposals

### 4.1 Description of the Development

4.1.1 As noted within the Planning History above, the applicant has recently secured a Certificate of Lawfulness for a rear extension to the dwelling. Due to the location within the Surrey Hills Area of Outstanding Natural Beauty, The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) requires a gap to be left between the extension and the side elevation of the kitchen. This application seeks to infill this gap on the basis that doing so would have no impact on the openness of the Green Belt.

4.1.2 Should this application not be granted the applicant will proceed with the construction of the Certificate of Lawfulness scheme. It is therefore a realistic "fallback position".

4.1.3 Included below are a comparison between these proposals and the applicant's fallback position:

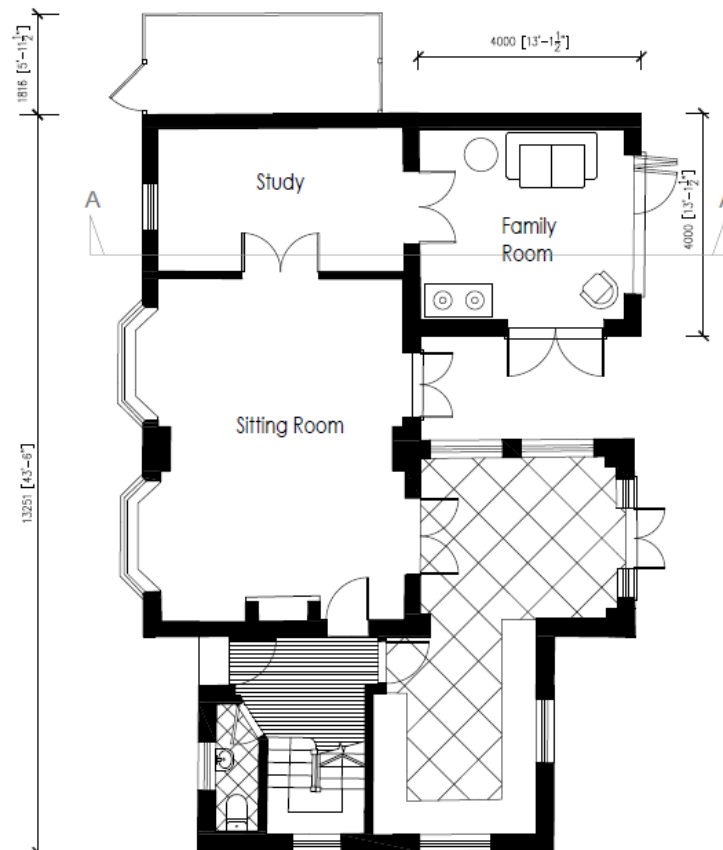


Fig. 5 - "Fallback Position" ground floor plan

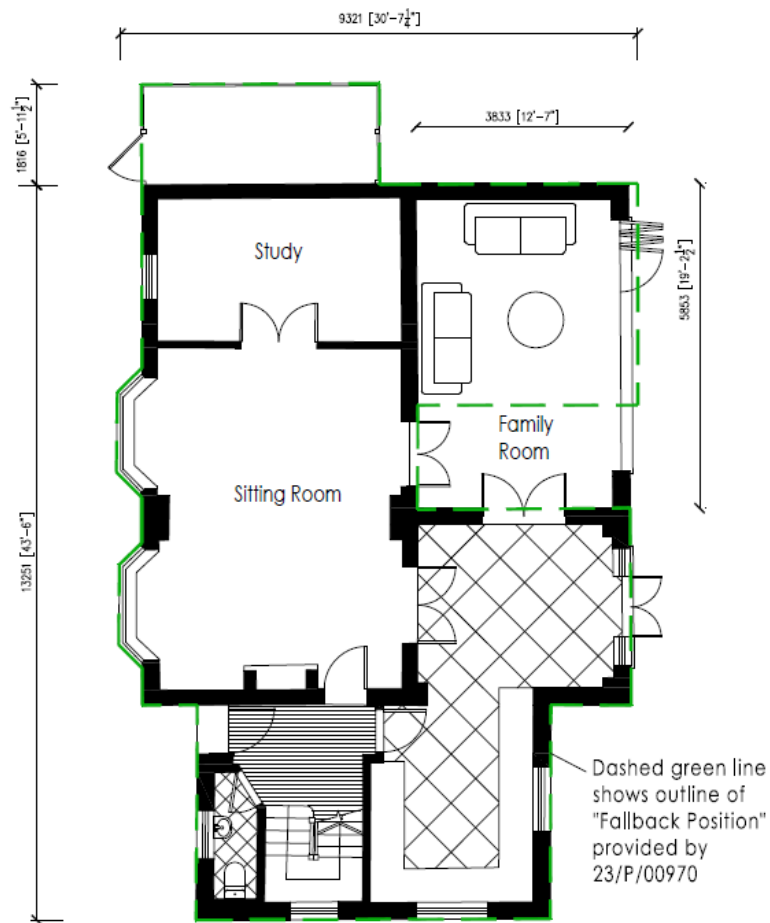


Fig. 6 – Proposed ground floor plan



Fig. 7 – "Fallback Position" south east (rear) elevation





Fig. 8 – Proposed south east (rear) elevation

4.1.4 There are no variations between the “Fallback Position” and the proposed side or front elevations.

#### 4.2 **Materials**

4.2.1 The proposed extension will be finished in pebble dash to match the rest of the existing building with a simple stone coping and flat roof. The new sliding folding doors will be painted timber to match the existing window frames.

#### 4.3 **Impact on neighbours**

4.3.1 As illustrated on the aerial view in figure 1, the building is sited well away from any neighbouring dwellings. The proposed sliding, folding doors face south east where there are no dwellings.

#### 4.4 **Access**

4.4.1 The existing entrance and parking to Sisyphus will remain unchanged.

#### 4.5 **Arboriculture**

4.5.1 The proposed extension will have no impact on arboriculture. The extension is on an area of paving and gravel. Along the north eastern boundary is an overgrown hedge which has no merit. The nearest tree is within the neighbour's garden to the north. This is protected by the existing boundary fencing. The extension does not involve a 10% incursion into the root protection area of this tree. An Arboricultural Impact Assessment is therefore not required in this case. It should be noted that the “Fallback Position” scheme can be constructed without any tree protection measures.

#### 4.6 **Ecology**

4.6.1 The proposed extension will be sited on an area of patio and gravel. It will be attached to two walls which are clad in pebble dash. This is in good condition with no cracks or gaps where crevice dwelling bats could enter. The bottom course of roof and hanging tiles may need to be removed to tie in the extension. An ecologist has been consulted

and they have confirmed that given the limited nature of the works this could be undertaken via a precautionary working method (i.e remove tiles by hand (ideally during winter)).

4.6.2 There will therefore be no impact on ecology as a result of these proposals.

## 5 Relevant Local and National Planning Policies

### 5.1 Policy P2 – Green Belt

The above policy notes:

*“The Metropolitan Green Belt, as designated on the Policies Map, will continue to be protected against inappropriate development in accordance with the NPPF.”*

*Paragraph 149 of the NPPF 2021 details the exceptions to inappropriate development:*

*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

.....

*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;*

5.2 Our calculations indicate that the extensions which have been implemented to date have increased the size of the original dwelling by approximately 75%.

5.3 The Council's draft Green Belt Supplementary Planning Document notes that:

*“The benefit of not setting a somewhat arbitrary percentage is the flexibility it offers to consider these factors in the round when coming to a decision. For instance, proposals for a loft conversion would lead to an increase in the building's floorspace however it would have a likely minimal, if any, increase in volume, mass, bulk and height. Equally a new basement proposal would result in an increase in floorspace and volume however it would likely not result in an increase in its the visual perception or the building's bulk and height. In these cases, the policy as written affords greater flexibility to assess these aspects cumulatively when arriving at a conclusion as to whether the extension should be considered not inappropriate development.”*

In addition, Paragraph 148 of the NPPF 2021 notes:

*“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.”*

5.4 The NPPF also confirms that the fundamental aim of Green Belt policy is to prevent open sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. Openness has been defined as an absence of built form.

5.5 In this case, the “Fallback Position” is a “Very Special Circumstance” (VSC) that needs to be considered when assessing the proposals. The relevance of a “fallback” depends on there being a “finding of actually intended use as opposed to a mere legal or theoretical entitlement” (see the judgement of Mr Christopher Lockhart-Mummery Q.C.,

sitting as a deputy judge of the High Court, in *R. v Secretary of State for the Environment and Havering London Borough Council, ex parte P.F. Ahern (London) Ltd.* [1998] Env. L.R. 189, at p.196).

- 5.6 It was further established by the Court of Appeal in *Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government* [2009] EWCA Civ 333 that a “*real prospect*” of development occurring is required, as this represents the “*antithesis of a “merely theoretical” prospect*”. The decision goes on to note that, “*In order for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice*”. The applicability of this approach to a GPDO-based “fallback” was confirmed by the Court of Appeal in *Mansell v Tonbridge & Malling BC* [2017] EWCA Civ 1314. In this application, the rear extensions is not a “merely theoretical” prospect but a real prospect as it has been confirmed by the Local Authority that they constitute lawful permitted development and there is no other condition precluding their implementation. In addition, the Certificate of Lawfulness scheme is a “*specific fallback*” in order to make possible a comparison between the application proposal and the fallback (see *R(SSE) v PD Ahern (London) Ltd.* [1998] Env. L.R. 189). Therefore, the “rear CLD scheme” represents a “fallback position” in which to assess the proposals.
- 5.7 The difference between these proposals and the “Fallback Position” is solely that the small gap between the extension and the side elevation of the kitchen is infilled. This gap is surrounded on three sides by built form and, therefore, the additional floor area is only visible from the south east (rear) elevation. This is demonstrated by the fact there would be no change to the front or either side elevation. It is also worth noting that the “Fallback Position” extends to the rear by 4m. In comparison these proposals only extend 3.8m to line through with the kitchen wall. This results in a modest reduction in the spread of development on the site.
- 5.8 The extension does not project beyond the footprint of the existing building and there will be no change to the visual perception of the dwelling’s bulk and height in comparison to the “Fallback Position”, and therefore, would have no impact on the openness of the Green Belt. From all angles the infill would be read against the backdrop of the existing building. This has been excepted on numerous applications in the borough where a dwelling has been previously extended disproportionately. The “Fallback Position” is a VSC that outweighs any perceived harm to the openness of the Green Belt.
- 5.9 **Policy P1 -Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value**  
This policy notes that the development proposals should not harm the setting of the AONB or AGLV.
- 5.10 As discussed above, the proposed extension would infill a gap between three walls. It would only be visible from the south east (rear) elevation and would be wholly read against the backdrop of the existing building. There are no public views of the rear of the dwelling and therefore there would be no impact on the setting of the AONB or the AGLV.
- ## 6 Conclusion
- 6.1 The proposal has been examined in light of the relevant National and Local Plan policies and accords with these.
- 6.2 A “*Very special circumstance*” has been demonstrated which outweighs any potential harm to the Green Belt resulting from the proposals. This is the applicant’s realistic “Fallback Position” that they will erect the rear extension granted by 23/P/00970. The additional floor

area proposed within this application is surrounded on three sides by built form and therefore will not project beyond the footprint of the existing building and will only be read against the backdrop of the existing building. The VSC outweighs any perceived harm to the openness of the Green Belt.

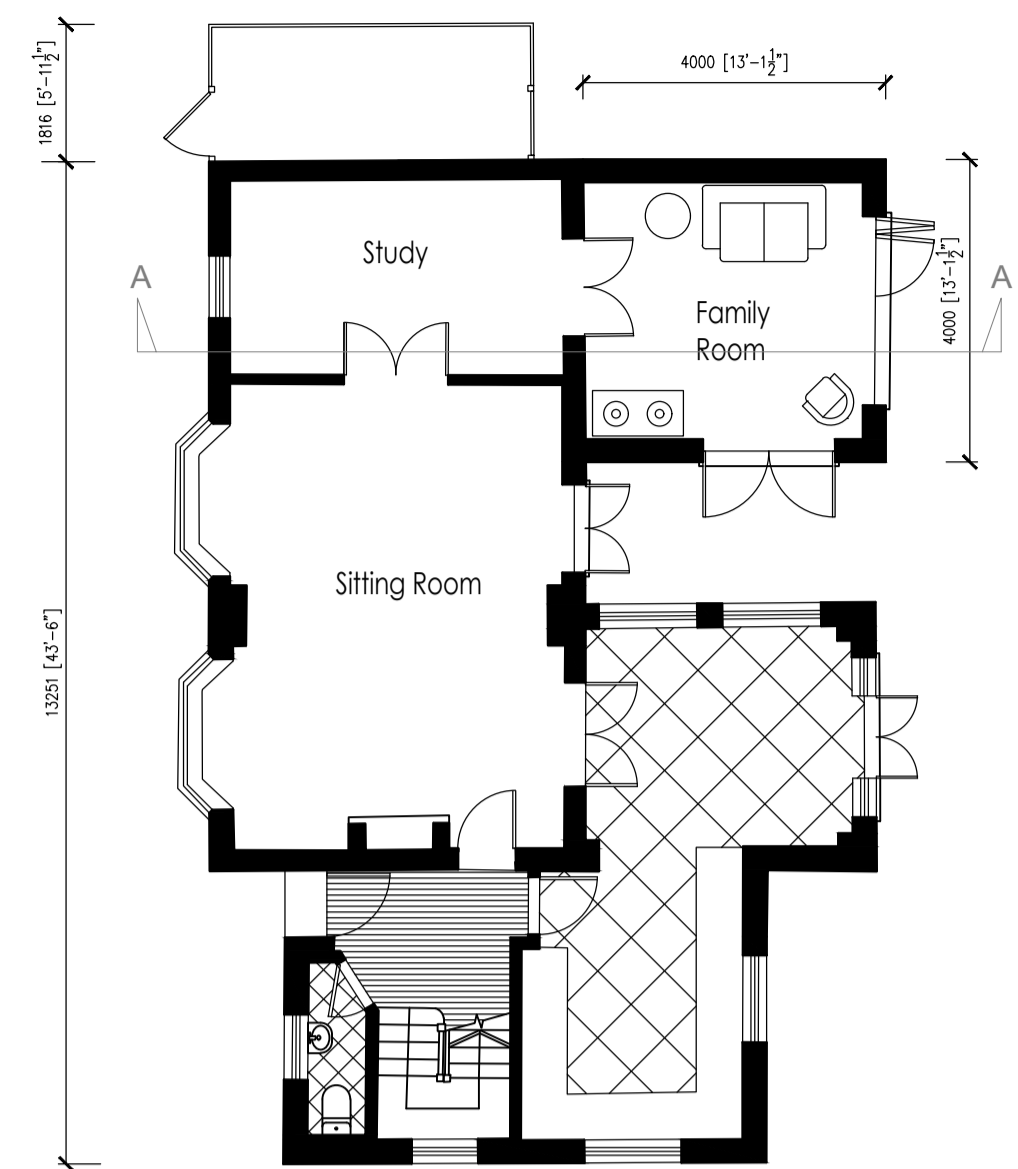
- 6.3 The proposal does not adversely affect any trees of amenity value or biodiversity on the site and will not be detrimental to the residential amenity of adjoining neighbours.
- 6.4 There will be no harm to the setting of the AONB or AGLV.
- 6.5 For the reasons set out above, we recommend this application to you for approval.

*Michael Conoley Associates*

**Appendix A**

**23/P/00970**

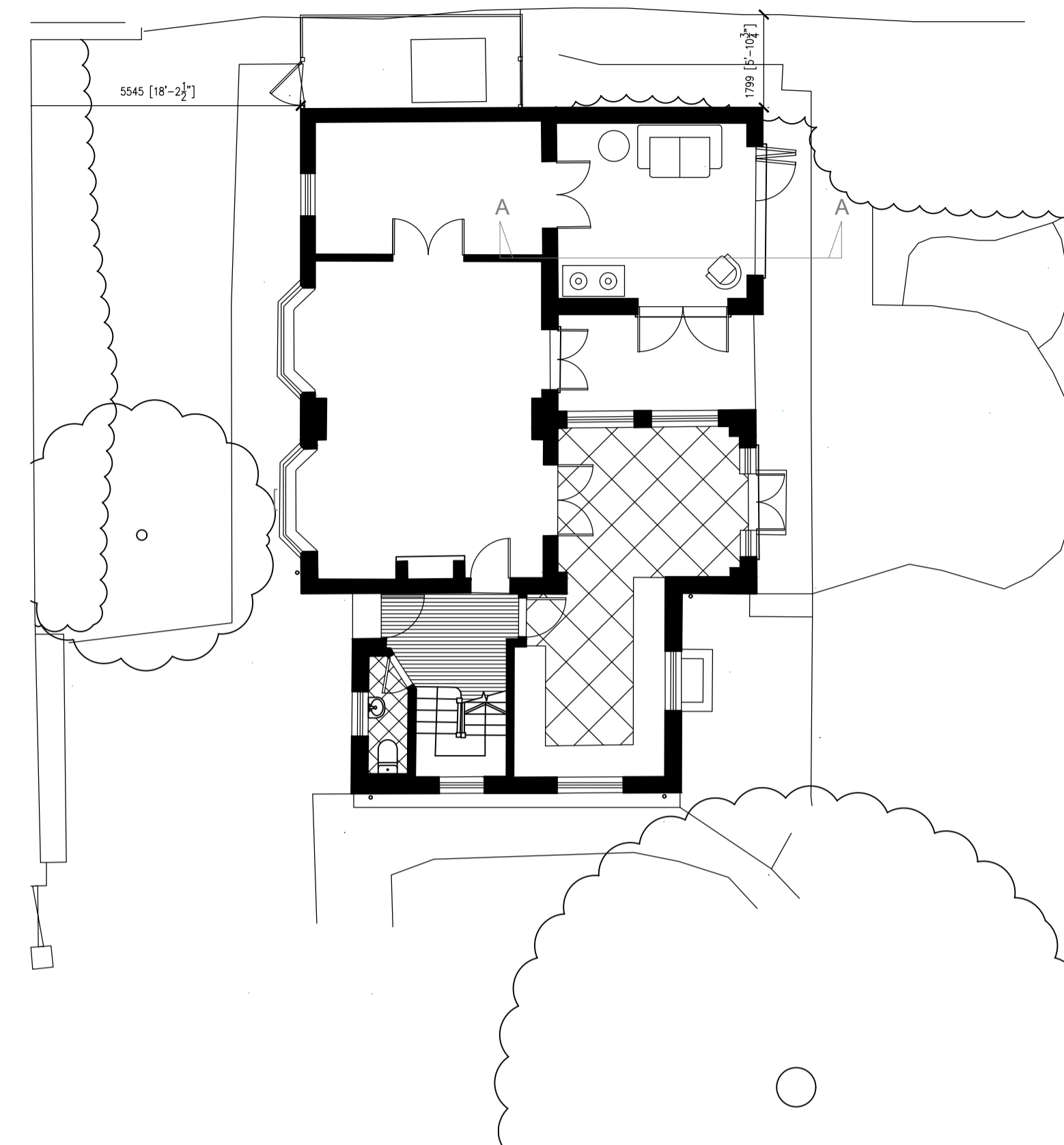
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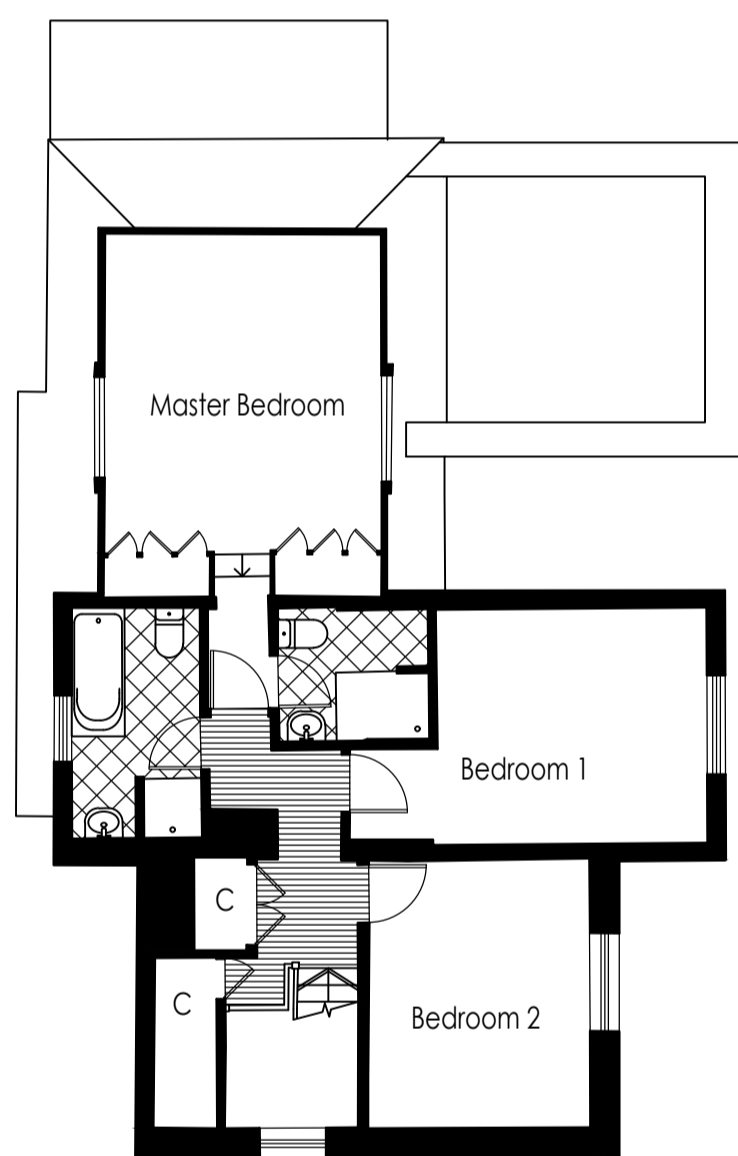
PROPOSED GROUND FLOOR PLAN  
SCALE 1:100



PROPOSED NORTH WEST (FRONT) ELEVATION  
SCALE 1:100



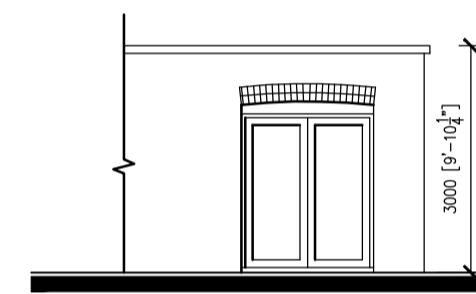
PROPOSED SITE PLAN  
SCALE 1:100



PROPOSED FIRST FLOOR PLAN  
SCALE 1:100



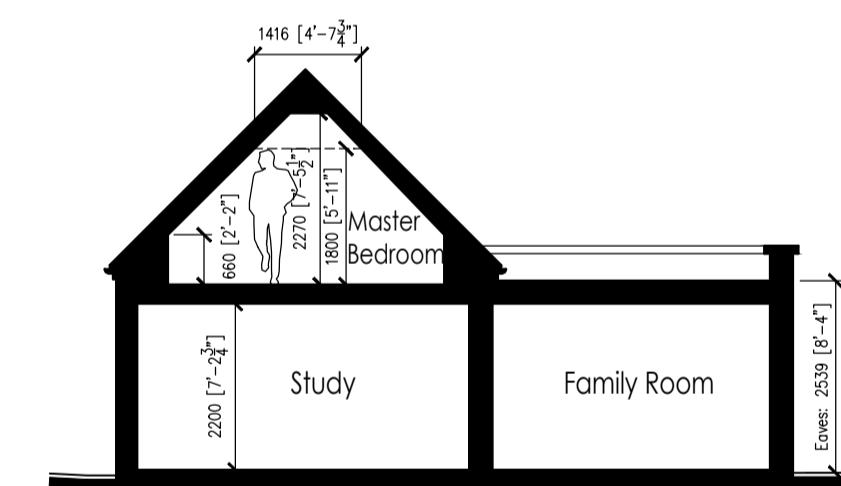
PROPOSED SOUTH WEST (SIDE) ELEVATION  
SCALE 1:100



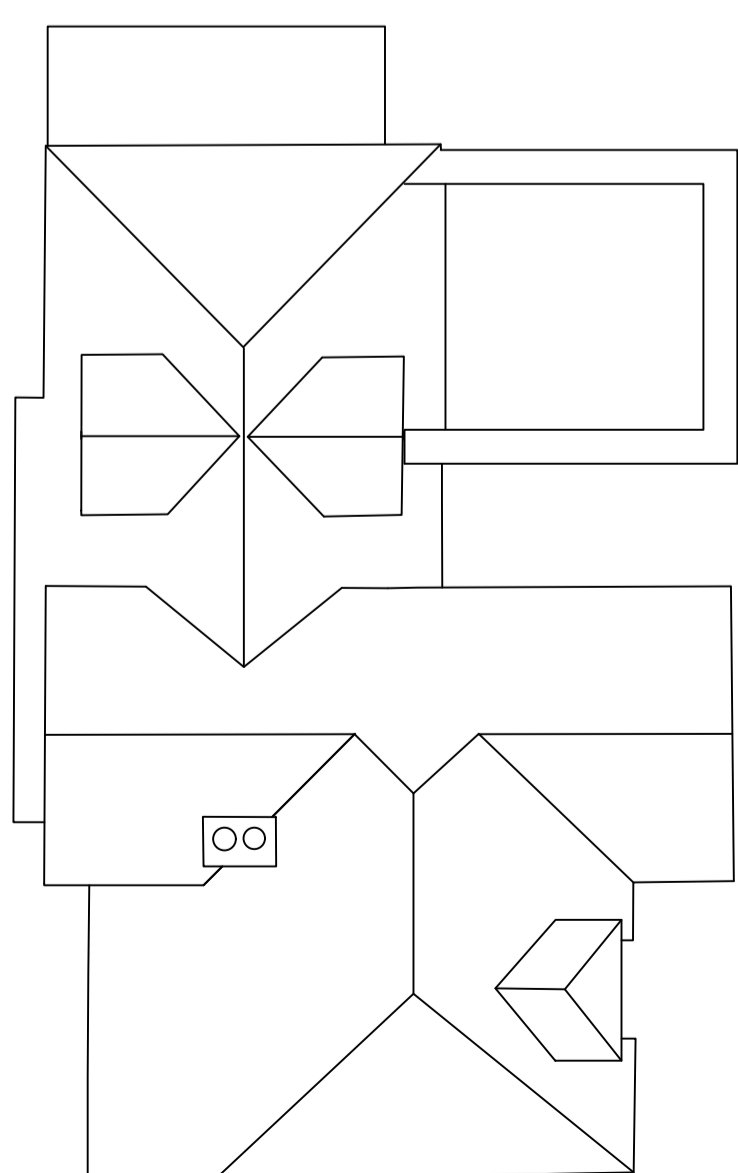
PROPOSED SOUTH WEST (SIDE)  
INTERNAL ELEVATION  
SCALE 1:100



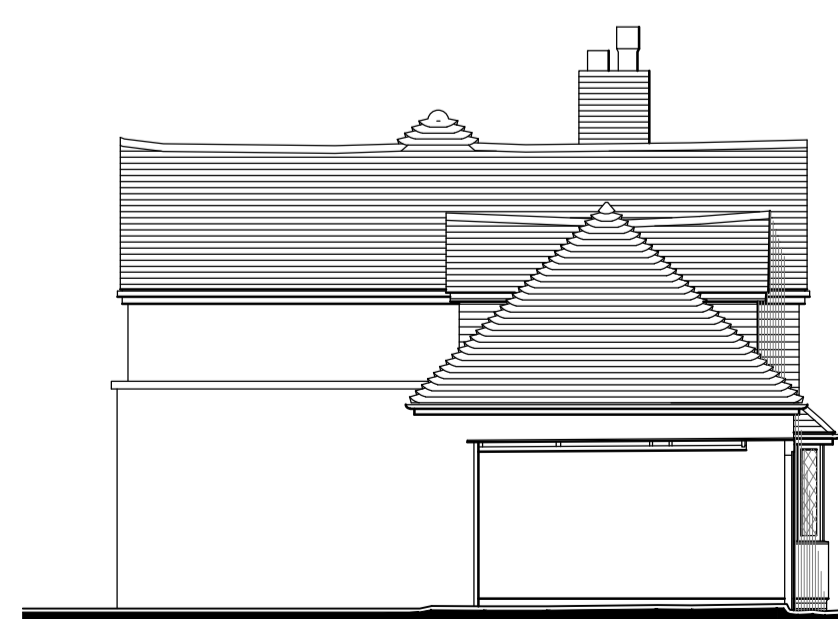
PROPOSED SOUTH EAST (REAR) ELEVATION  
SCALE 1:100



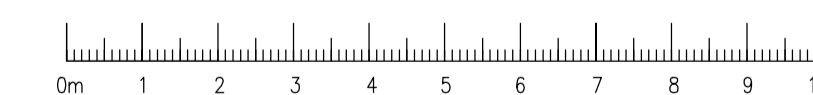
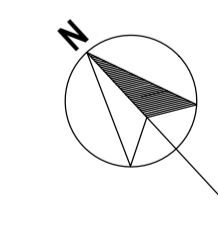
PROPOSED SECTION A-A  
SCALE 1:100



PROPOSED ROOF PLAN  
SCALE 1:100



PROPOSED NORTH EAST (SIDE) ELEVATION  
SCALE 1:100



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<b>MICHAEL CONOLEY ASSOCIATES</b> CHARTERED ARCHITECTS		
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