
Appeal Decision

Site visit made on 1 November 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 November 2016

Appeal Ref: APP/Y3615/W/16/3151728

The White House, Littleworth Road, The Sands, Farnham GU10 1JW

- 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 Mike Browne against the decision of Guildford Borough Council.
 - The application Ref 15/P/01638, dated 2 September 2015, was refused by notice dated 17 December 2015.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted with the appeal an updated roost assessment and emergence surveys to address the lack of information cited in the Council's second reason for refusal, regarding bats. The Council has accepted that appropriate conditions could make the proposal acceptable in this regard, and has withdrawn this reason for refusal.
3. Although my site visit took place before the appellant's final comments were received, I have taken account of all representations made in my decision.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - its effect on the openness of the Green Belt; and,
 - if it 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 necessary to justify the development.

Reasons

5. The site the subject of this appeal is set in a woodland clearing, outside any defined settlement boundary within the Green Belt, the Surrey Hills Area of Outstanding Natural Beauty (AONB), and in an Area of Great Landscape Value
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(AGLV). It is proposed to demolish the existing four-bedroom, single-storey house, and build a six-bedroom, two-storey house.

Inappropriate development in the Green Belt

6. Saved Guildford Borough Local Plan 2003 (LP) Policy RE2 defines which kinds of development the Council considers to be inappropriate in the Green Belt. This definition excludes the replacement of a dwelling, provided it is in accordance with LP Policies H6 and H9.
7. Policy H6, which concerns replacement dwellings in the countryside, states that such development will be permitted, provided that it does not result in the loss of a small dwelling; is in scale and character with the area; has no unacceptable effect on the amenities enjoyed by the occupants of buildings in terms of privacy and access to sunlight and daylight; and, has no unacceptable effect on the existing context and character of the adjacent buildings and immediate surroundings. In addition, within the Green Belt, the Policy places a presumption against the replacement of dwellings with those which are materially larger.
8. There is disagreement between the parties over whether to include the terrace areas in the calculation of the area of the proposed house. Taking the appellant's best case figures, the footprint of the proposal would increase from 413m² to 430m², and the floor area would increase from 413m² by 382m² to 795m². The increase in volume between the existing and proposed development would be from 1,490m³ to 3,044m³, an increase of 1,554m³. The combined effect of the increased footprint, floor area, and volume would be considerably greater than that currently on site. It cannot reasonably be considered to be anything other than materially larger.
9. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt. A number of exceptions to this are set out in paragraph 89 of the Framework. Of these, the most relevant to this case is that which allows for the replacement of a building, provided the new building is in the same use, and is not materially larger than the one it replaces.
10. LP Policies RE2 and H6 with their presumption against materially larger replacement dwellings, and the additional development they define as inappropriate, are more prescriptive than the Framework says and therefore not entirely consistent with it. Annex 1 of the Framework says that weight accorded to policies in plans should accord with their degree of consistency with the Framework. This therefore limits the weight I can attach to these policies.
11. Nonetheless, I conclude on this issue that the proposed development would result in a materially larger dwelling than the one it would replace. As such the proposal would be inappropriate development in the Green Belt, which paragraph 87 states is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that in considering any planning application, substantial weight should be given to any harm to the Green Belt.

Openness of the Green Belt

12. While the fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to keep land permanently open, and the proposal would have an effect on the spatial dimension of openness, its visual impact on this openness would be limited by several factors.
13. Unlike the siting of the present house which tends to impose itself on top of the ridge at the nape of the site, limiting the openness at high level, particularly in views from lower ground, the design of the proposed house works more sensitively with the topography of the site. It would be positioned lower down the sloping land, setting it into the hillside with its long axis aligned along the contours of the land. This would increase the openness on the ridge. The level of the roof and eaves of the proposed house would also be lower than the level of the ridge of the existing house.
14. The access drive and the turning area would tend to hug one of the edges of the enclosure rather than occupying the ridge in the present site arrangement. When including the total areas of hardstanding as well as the footprint of building, the amount of hardstanding in the proposal, compared to the existing situation, would be reduced from 6.4% of the site area to 5.4%.
15. The footprint of the proposed house, while larger than the existing, would be more compact. Its continuously curved footprint would reduce the effect of its mass, as would the variation in its curves, the simplicity of material selection, and the lightweight appearance of the walls.
16. All these factors would diminish the visual impact of the proposal on the openness of the site. However, they would not outweigh the effect of the increased volume and increased floor area of the proposal on the spatial dimension of openness, which, compared with the existing situation, would substantially reduce the amount of undeveloped built form on the site and thereby diminish the openness of the Green Belt. This weighs against the proposal.

Other considerations

17. The Framework advises that inappropriate development in the Green Belt should not be approved, except in very special circumstances. 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.
18. The appellant refers to several other considerations, including the fall-back provided by the planning permission for a replacement house granted in 2008 which the appellant claims is extant but which the Council questions. I have little evidence from either party on this matter. In any event, while I note that the consent relates to a replacement dwelling with two storeys above ground located approximately where the present house stands, with an increase in floor area over the existing house of 48%, it also incorporates a basement level. Its impact on openness would be less than the proposal in this case, which would increase the floor area of the existing house by 92% and over two storeys rather than three. I therefore attach limited weight to the extant permission as a justification for this proposal.

19. I have identified no issues with regard to the replacement of the existing house or with the design displacing the building mass down the slope of the hillside. The form, siting, and appearance of the proposal would have no conflict with the landscape character of the site or the AONB and AGLV. Indeed, there are many positive factors in the design of the building and its integration with the landscape which would improve the current situation, including the ease of access for all both within the house and in the landscape, the reduction in hardstanding area, and the conservation of the existing habitats and the formation of new habitats. I acknowledge that the design includes a significant reduction in CO₂, and would provide renewable and low-carbon technologies, a high performance building fabric, sustainable water supply, and drainage. I note too that the proposal is a self-build house, which is reflected in many of the positive elements of the proposal identified above.
20. While all these considerations weigh in the planning balance, there is no substantive evidence why a scheme with a lesser impact on the openness on the Green Belt could not provide similar benefits. I therefore accord them limited weight, and they do not clearly outweigh the substantial weight I must accord to the potential harm to the Green Belt from the inappropriate development proposed, which would reduce the openness of the Green Belt.
21. I note the appellant's reference to paragraph 63 of the Framework which says that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. In my opinion, while the design is highly commendable, it falls short of the measure of outstanding or innovative. Given the nature of the site and its surroundings, the effect of the proposal on the spatial dimension of openness is an essential component of the measure of design quality. Because of the degree of the increased volume and increased floor area of the proposal which would reduce the openness of the site, the great weight of paragraph 63 is not engaged. I therefore conclude that the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist in this case.

Other matters

22. I note the concern of Seale & Sands Parish Council regarding light pollution from the areas of glazing in the proposed house. However, the glazed walls would not be so extensive as to cause pollution to surrounding occupiers who are well screened by the enclosing evergreen trees or lower level shrubs.

Conclusion

23. For the reasons given above, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR