
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/16/3156699

Hollowfield Cottage, Littleton Lane, Guildford, Surrey GU3 1HN

- 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 & Mrs Roger & Rosemary Musson against the decision of Guildford Borough Council.
 - The application Ref 15/P/01800, dated 28 September 2015, was refused by notice dated 17 February 2016.
 - The development proposed is the demolition of the existing dwelling and outbuildings. Erection of a replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an amended proposal with the appeal on the basis that if the scheme considered by the Council is to be dismissed and the amended design is considered to justify allowing the appeal, that the revised plans be substituted.
 3. The amendments are for the most part of a reducing nature, including a reduction in the highest ridge by 162mm, a reduction in excavations, a reduction of floor area by 2.7m² and various fenestration/ envelope alterations. They also include a shift in the position of the proposed house by around 1m to the south. However, given the position of the present house, the shift would not alter substantially the nature of the proposal in regard to its site, or in relation to the wider, surrounding landscape.
 4. I have taken into account the positions of the neighbouring buildings which include the Listed Building, Pillar Box Cottage. However, given the distance of the proposed building from its neighbours, which is many times greater than the distance of the shift of position proposed, I consider that the development would not be so changed that to grant it would deprive those who should have been consulted on the amended proposal of the opportunity of such consultation. Therefore, I accept the revised plans and will return to them in accordance with the basis on which they were submitted.
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Main Issues

5. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt;
- its effect on the openness of the Green Belt;
- its effect on the landscape character of the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV);
- whether it would preserve or enhance the character or appearance of the Littleton Conservation Area (CA); 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

6. Located outside any identified settlement boundary, the site falls under several designations of the Guildford Borough Local Plan 2003 (LP). These include the Green Belt, the Surrey Hills Area of Outstanding Natural Beauty (AONB), the Littleton Conservation Area and an Area of Great Landscape Value. It is proposed to demolish the existing 2-bedroom bungalow, garage, and outbuildings, and build in its place a 4-bedroom house and garage.

Inappropriate development in the Green Belt

7. Saved 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.
8. 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.
9. There is disagreement between the parties over whether the calculation of areas should include the existing outbuildings on site, which are proposed to be demolished. However, using the appellant's calculations which include the areas of outbuildings for demolition, even though the proposal would reduce the built footprint from 223.9m² to 172.6m², the floor area would increase by 68.8m² from 223.9m² to 292.7m², and the volume of building would increase from 681m³ to 903m³. Furthermore, by adding the first floor, and despite setting the proposed house 1.5m below the existing ground level, the proposed 2-storey house would be 1.7m taller than the existing bungalow.
10. Whilst I am mindful of the reduction in footprint of 27%, I take the view that an increase in volume of 32.6%, and increase in floor area of around 30.7%,

and an increase in height of 1.7m cannot reasonably be considered to be anything other than materially larger. While the proposed house in the amended scheme would not be as large as this proposal, it would still be materially larger than the house it would replace.

11. 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 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.
12. 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

13. The fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to keep land permanently open. The proposal would include substantial excavations to reduce the ground floor level of the house by up to 1.5m below the existing ground level. I note that the appellant describes this as reducing the visible built area over that of the existing building by 3%. However, this would not diminish the impact on openness from the increase in the height of the proposal, and the effect of its bulkier roof, particularly in views from the open field to the east of the site.
14. I acknowledge that the site has a tapered shape on sloping land, and that by siting the proposal further up the slope, into the broader part of the site, the proposal would provide slightly more space around its west elevation than the existing house. Given the height and density of the enclosure to the west the benefit of this would be limited. The proposal would place its shortest elevation facing to the east, though this would not lessen the effect of its height and voluminous roof. The demolition of the ancillary building on the east boundary would increase openness, though in the context of the height and volume of the proposed building which would be developed immediately behind it this positive factor would be diminished. I appreciate that the proposal would demolish the outbuildings dispersed around the site; however, as a result of their diminutive scale and their modest footprints relative to the site, their impact on openness is far less than the proposed development.
15. Even taking account of the amended scheme, the increase in the volume and height of the development on the appeal site when compared with the existing situation, despite the reduction in footprint and the excavations considered above, would reduce the amount of space not occupied by built form, and thereby diminish the openness of the Green Belt. This weighs against the proposal.

Landscape character of the Surrey Hills AONB and AGLV

16. The Council considers that the appearance of the existing, modestly scaled house detracts conspicuously from the landscape character of the AONB and AGLV. Notwithstanding its objection to the greater size and massing of the proposed house, it considers that the materials and colours of the proposal would be less prominent and more sensitive to these designated areas. It concludes that the proposal would not detract from the distinctive landscape character of the AONB and AGLV. It finds no conflict with LP Policies RE5 and RE6 which aim to protect or conserve the existing landscape character. It identifies no harm to the AONB's landscape and scenic beauty which has the highest status of protection, the conservation of which is accorded great weight, as set out in paragraph 115 of the Framework.
17. I agree that an important part of the character of the AONB is the distinctive appearance of the buildings in the wider landscape. The existing building is striking with its white coloured walls and its extended forms and arrangement of materials, particularly in views from the east. I acknowledge that the detailing and materials of the proposed house would be more harmonious with the surrounding vernacular and less conspicuous in the landscape.
18. However, I have little detail regarding the excavations which would set the proposed house lower into the site, and the effect of these on the landscape character of the AONB. Were I not dismissing the appeal, I would seek more details and the views of both parties on the effect of the excavations. However, as I am dismissing the appeal on other grounds, this issue has not affected my decision.

Character or appearance of the CA

19. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The Council's concerns as regards the CA have two strands. First it is concerned that the proposed house would appear bulky and over-scaled. Second, that the changes to the site topography would have an adverse impact on its character, appearance, and landscape setting. My impression of the area is that the CA is characterised by relatively isolated buildings whose scale is determined by their simple forms and modest heights, and which stand openly and directly upon the ground of their plots in a broad expansive landscape.
20. I acknowledge the Council's concerns about the bulk and scale of the proposed house, and I have taken into account that the house would be sited on ground substantially higher than the level of Littleton Lane and the lane to the south of the site. However, by reducing the ground levels around the proposed house by around 1.5m, the effect of its height and area visible above the natural ground level would be similarly reduced. This would limit its effect above the natural ground levels. On this basis, and on the evidence before me, I am not convinced that its bulk and scale would harm the scale or grain of the other buildings in the CA.
21. Notwithstanding this however, the excavation of the land to set the level of the building artificially lower than the surrounding ground would be at odds with the more natural building/ground relationship of the other buildings in the CA.

While I appreciate that the trees and planting to the north, south, and west would limit views of the proposal from these directions it would feature plainly in views from the east. The uncharacteristic form of development would thus undermine the character of the landscape within the CA.

22. I conclude that the appeal proposal would fail to preserve the character of the Littleton Conservation Area in accordance with the requirements of section 72 of the Act, the special attention to which, the Courts have determined, I am required to give considerable importance and weight. Although any harm to the Conservation Area would be less than substantial, it would nonetheless be a significant, adverse impact which would not be outweighed by any public benefit as set out in paragraph 134. I have borne in mind paragraph 132 of the Framework, that the significance of a designated heritage asset can be harmed or lost through alteration or destruction of the heritage asset. Also, at paragraph 17, that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
23. The proposal would conflict with LP Policy HE7 which says that new development should preserve or enhance the character or appearance of the conservation area and show that consideration has been given to, amongst other things, building lines and ground surfaces.

Other considerations

24. The appellant argues that the increase in floor area and volume under this proposal is similar to other schemes consented by the Council. I note the consent in Pilgrim Gardens from 1996 which predates both the Local Plan and the Framework is described as being a replacement dwelling with a 50% increase, however, as no details of the scheme, the site or the considerations which led to the approval have been provided, I am unable to draw any material parallels. For similar reasons, while I note the reference to consents at Brickfields House, Littleton Lane in 2008 for a 54% increase, and at Orange Grove Cottage, Littleton Lane in 2014, which appears to relate to the construction of an ancillary building, I am unable to draw any parallels.
25. I note the reference to appeal decisions¹ at Blackheath Cottage, Blackheath in 2013. In those appeals my colleague referred to a schedule in the evidence with a range of increases of between 29% and 51%, which was consistent with the informal view expressed by the Council on what might be seen as a reasonable increase. He concluded that the replacement dwelling was materially larger and dismissed the appeals. In referring to the decisions of other inspectors regarding replacement dwellings being or not being materially larger, he said that 'it is evident from the reasoning of the Inspectors in question that an increase in floor area on its own was generally not an overriding factor but one to be considered alongside volume, footprint and height increases and other locational characteristics and constraints. This goes some way to explaining the wide differences in the range of percentage increases that were found to be materially larger and indicates that applying a rigid standard is probably inadvisable as it would not take account of the particular circumstances.'

¹ Appeal refs: APP/Y3615/C/12/2189026 (A) & 2189027 (B)

26. There is no figure in the development plan or the Framework in regard to replacement dwellings. The fourth bullet point of paragraph 89 of the Framework is clear that to qualify as an exception, a replacement building should not be 'materially larger' than the one it replaces. However, it does not offer any material increase in size which would be regarded as not inappropriate. I have reached my own conclusions on the appeal proposal on the basis of the evidence before me, and taking into account the circumstances of this site and this proposal. I can identify no inconsistency in decision-making between the two cases, and accord the reference limited weight.
27. I note the appellant challenges the inclusion of the site being within the CA, however there is no substantive evidence before me which suggests I should determine the appeal other than in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
28. 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. No other considerations have been put before me which outweigh the harm identified. 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

29. I note that on the opposite side of the lane is a Grade II listed building called Pillar Box Cottage. While the Council does not object to the proposal in terms of the impact on its setting, I have nevertheless undertaken my statutory duty pursuant to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting, or any features of architectural or historic interest which it possesses. In view of the lane between the sites, the density of the planting between the sites, and the distance between the buildings, I consider that the setting of the listed building would be unaffected and therefore preserved.
30. Whilst I note the letters of support for the proposal and I have considered the concerns from neighbours, given my findings on the main issues above, these have not led me to a different overall conclusion.

Conclusion

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

Patrick Whelan

INSPECTOR