

## Appeal Decision

Site visit made on 10 January 2017

**by Kevin Gleeson BA MCD MRTPI**

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

**Decision date: 31 January 2017**

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**Appeal Ref: APP/Y3615/D/16/3161228**

**The Orchard, Thundery Hill, Seale GU10 1LB**

- 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 P Davey against the decision of Guildford Borough Council.
  - The application Ref 16/P/01117, dated 27 May 2016, was refused by notice dated 26 July 2016.
  - The development proposed is erection of glazed swimming pool enclosure.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are:
  - whether the proposal represents inappropriate development within the Green Belt;
  - the effect of the proposal on the openness of the Green Belt and on the character and appearance of the surrounding area including the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV) within which the appeal site is located; and
  - if the proposal would be 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 it.

### Reasons

#### *Whether Inappropriate Development*

3. The proposal is to provide an enclosure for the outdoor swimming pool which is located to the rear of, and adjacent to, the detached house. This would enable the pool to be accessed directly from the house.
  4. The appeal site is located within the Metropolitan Green Belt. Policy RE2 of the Guildford Borough Local Plan, 2003 (the Local Plan) addresses domestic extensions in the Green Belt. It states that development within the Green Belt is inappropriate unless it is for a number of purposes including the limited
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extension of existing dwellings, providing it is in accordance with Policies H6 and H9. As Policy H6 relates to new dwellings it is not relevant in this case.

5. Policy H9 of the Local Plan includes the requirement that extensions to dwellings in the countryside should not have an unacceptable effect on the context and character of adjacent buildings and immediate surrounds. Policy H9 also advises that within the Green Belt there will be a presumption against extensions to dwellings which result in disproportionate additions taking account of the size of the original dwelling. Policies RE2 and H9 are generally consistent with Government policy and advice set out in the National Planning Policy Framework (the Framework).
6. Paragraph 87 of the Framework indicates that inappropriate development within the Green Belt is by definition harmful and should not be approved except in very special circumstances. In paragraph 89 of the Framework it is stated that the construction of new buildings in the Green Belt should be considered as inappropriate subject to a number of exceptions including 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.
7. There is no agreed figure for the increase in floor area or change in volume which occurred when the replacement house was constructed. The proposed ridge height has been reduced to approximately 3.25 metres from approximately 3.8 metres which was previously proposed and dismissed at appeal<sup>1</sup>. Nevertheless, I find that the proposed enclosure would be a substantial structure of approximately 12 metres long and over 6 metres wide. It would result in a large increase in the mass and bulk of development to the rear of the property which would be a disproportionate addition to the building, constituting inappropriate development which by definition is harmful to the Green Belt.

#### *Openness, Character and Appearance*

8. Paragraph 79 of the Framework states that the essential characteristics of the Green Belt are their openness and permanence. The concept of openness relates to the lack of development or built form.
9. Paragraph 115 of the Framework advises that great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty.
10. Policy RE5 of the Local Plan states that within the Surrey Hills AONB development inconsistent with the primary aim of conserving the existing landscape character will not be permitted. With regard to the AGLV, Policy RE6 states that development should be consistent with the intention of protecting the distinctive landscape character of the area.
11. The proposed enclosure would not be visible from neighbouring residential properties. Nevertheless, by virtue of its length, height, scale and footprint it would be a substantial addition to the existing building which would reduce the openness of the Green Belt. It would appear visually intrusive in an area which is currently open to the rear of the house notwithstanding its residential character.

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<sup>1</sup> APP/Y3615/D/14/2224001

12. In terms of appearance the proposal would be mainly of glass construction which differentiates it from the existing building. This form was proposed to address concerns raised in the previous appeal decision. However, even the change in appearance to a more lightweight structure would not diminish its prominence which would be visually intrusive by virtue of its scale and projection from the rear of the house.
13. The proposed enclosure would consequently have a detrimental impact on the openness of the Green Belt and would be harmful to the character of the AONB and AGLV contrary to Policies RE5 and RE6 of the Local Plan. It would also be contrary to Policy G5 of the Local Plan which seeks to ensure that development respects the scale of the surrounding area.

*Whether Very Special Circumstances Exist*

14. Paragraph 88 of the Framework states that very special circumstances will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The significant harm caused by reason of inappropriateness and the harm to openness, and the character and appearance of the AONB and AGLV together, carry substantial weight against the proposed development.
15. The appellants' justification for the proposal is based on the pool itself having been already approved and the enclosure providing the opportunity for it to be used all year round. In addition, if covered, the pool could be used more easily and frequently by other individuals, whilst the cover would also assist in reducing noise and disturbance. However, these matters are not of sufficient weight to clearly outweigh the harm I have found and the conflict with local and national Green Belt policies which I have identified. As a result they do not justify inappropriate development in the Green Belt.

**Other Matters**

16. Concerns were raised by the appellants about how the Council dealt with the planning application. However, the issue of how the Council handled the proposal is not material to my consideration and I have dealt with this appeal scheme on its own planning merits.

**Conclusions**

17. The proposal would result in inappropriate development in the Green Belt to which I attach substantial weight. There would also be a loss of openness and harm to the character and appearance of the AONB and AGLV. Other considerations do not outweigh this harm and therefore in the absence of very special circumstances the proposal is contrary to Policies RE2, RE5, RE6, H9 and G5 of the Local Plan and the guidance in the Framework. Therefore for the reasons set out and having taken into account all other matters raised, including the support of neighbours, I conclude that the appeal should be dismissed.

*Kevin Gleeson*

INSPECTOR