

Appeal Decision

Site visit made on 24 January 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 21 February 2017

Appeal A Ref: APP/Y3615/D/16/3162593

Christmas House, Chinthurst Lane, Shalford, Guildford, Surrey GU4 8JS

- 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 Toby Shea against the decision of Guildford Borough Council.
 - The application Ref 16/P/01766, dated 19 August 2016, was refused by notice dated 17 October 2016.
 - The development proposed is described as 'the demolition of garage block; renovation, alteration and extension of the existing house; erection of a new garage block'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site is located within the Green Belt. Neither main parties considered whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework and development plan policy. As such I gave both the Council and the appellant an opportunity to comment on this matter. I also requested further details from the Council on the previous extensions that had been permitted and subsequently constructed at the dwelling. The appellant was given the opportunity to comment on this information. I have taken the responses received into account within my decision.
3. The appellant is dissatisfied with the Authority's handling of the planning application, particularly in relation to comments made in the Planning Officer's report. However it is not within my remit to consider this matter and I am determining the appeal solely on the planning merits of the case.

Main Issues

4. As the appeal site is within the Green Belt the main issues are:
 - Whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the property; and
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- 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 appeal property is a large detached house situated in a substantial plot located in the settlement boundary of Shalford.

Whether inappropriate development

6. Paragraph 89 of the National Planning Policy Framework (the Framework) indicates that except for a small number of exceptions, the construction of new buildings within the Green Belt should be regarded as inappropriate. Exceptions to this include where an extension or alteration to a building does not result in disproportionate additions over and above the size of the original building.
7. The Council advocates that the proposal would not be inappropriate development because it is located within a settlement boundary and policies within the development plan permit extensions in this context. The Council refers to Policies RE3 and H9 of the Guildford Borough Local Plan (2003) (LP).
8. Policy RE3 identifies settlements in the Green Belt and provides different criteria for development depending on whether it is within or outside the settlement boundaries. This includes specific reference to additional criteria set out in Policy RE2. These policies permit development within the Green Belt provided it is in accordance with Policy H9.
9. Policy H9 sets out criteria for extensions to dwellings in the countryside. However it applies different criteria depending on whether the development is within or outside settlement boundaries. There is no such distinction within the Framework when considering proposals within the Green Belt. I note that the Council's development plan policies were adopted prior to the publication of the Framework. Consequently I do not consider that these policies are consistent with paragraph 89 of the Framework. The Framework therefore carries more weight within my decision and I determine the appeal in accordance with this.
10. In this respect an assessment as to whether the proposed development would result in disproportionate additions over and above the size of the original building is necessary to ascertain whether the proposal would be inappropriate or not.
11. The evidence submitted¹ shows that there have been several extensions to the original dwelling over a number of years including a two storey side extension, a double garage with accommodation above, a side conservatory and a single storey rear extension. Limited measurements have been provided setting out the size and volume of these existing extensions compared to the original dwelling. Nevertheless based on the plans and planning permission evidence before me, I consider that these existing extensions have already significantly increased the overall size of the original dwelling. Whilst the proposal would involve the demolition of the garage block and conservatory, these would be replaced by substantially larger extensions.

¹ Council planning applications ref: 97/P/01751, 03/P/01160 and 16/P/00446

12. Overall therefore, based on the available evidence, I find that the proposed development, when combined with the earlier extensions which would remain in place, would be a disproportionate addition to the size of the original dwelling. Consequently I conclude that the proposal would be inappropriate development in the Green Belt. The Framework states that this is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I regard this harm as substantial.

Openness of the Green Belt

13. The appeal property lies within a substantial garden, with mature tree and hedgerow cover along the boundary. Whilst this restricts views into the appeal site from the street and neighbouring properties, the proposal would nevertheless, in spatial terms, result in the encroachment of built form into undeveloped land within the Green Belt.
14. Whilst I note that the land on which the existing garage block sits would resort back to garden land, the proposal, due to its overall scale and size, would still result in a substantial increase in the amount of development within the site. This would result in an unacceptably adverse effect on openness.
15. As openness is one of the key attributes of the Green Belt, I give this harm significant weight in the determination of this appeal.

Character and appearance

16. The appeal property is a large detached two storey dwelling located within a predominantly residential area. There are other mainly large detached properties of similar designs within the surrounding area on varied plot sizes. The proposal would include two storey side extensions, one on each side of the dwelling, a two storey rear extension and a new garage block with accommodation above to replace that to be demolished.
17. LP Policy H9 seeks, amongst other things development that will not result in an unacceptable effect on the scale and character of the dwelling. Policy G5 sets out a design code and seeks development that complies with design criteria including respecting the scale, height and proportion of existing built forms.
18. Whilst the dwelling's main elevation and its features would be retained and the proposed side extensions would have ridgelines that would sit below the main dwelling, their prominent widths and depths would appear unduly dominant. The resultant development would appear at odds with the prevailing character and form of the main dwelling.
19. I note that the new garage block would be of a similar design to that being demolished and that its ridgeline would be lower than the height of the existing block. Nevertheless it would be substantially larger in width.
20. Whilst I accept that the development would not be unduly visible from within the streetscene due to the presence of mature vegetation along the front boundary, it would be prominent when accessing the site from the highway. Overall the size and scale of the development would not appear subservient to the main dwelling and would be out of keeping with its character and appearance.

21. Furthermore the Framework places great importance on development being of good design and responding to local character to ensure the integration of new development into the existing environment. Consequently taking all the above factors into account I conclude that the development would not accord with the Framework in this respect, as it would result in material harm to the character and appearance of the property. This would also conflict with LP Policies H9 and G5.

Other considerations

22. I have taken account of the benefits of the proposal highlighted by the appellant. This includes the need to extend the house to accommodate his family, guests and child carers. I recognise that the appellant proposes to make full use of the new accommodation. However, I can only give these personal benefits limited weight, since the new development would be in place long after the personal circumstances have ceased to apply.
23. The appellant has drawn my attention to the recent planning permission granted for development at a neighbouring property (Council ref: 15/P/020283). Whilst no specific details of this development have been submitted to me, as it relates to a detached dwelling rather than extensions to an existing property, it is not directly comparable to the appeal proposal. In any case other development within the area would not set a precedent as each case must be considered on its own individual merits.
24. As regards the effect of the proposal on the living conditions of neighbouring residents I accept that the Council does not object on these grounds and based on the evidence before me I have no reason to disagree. Furthermore I note that there would be no detrimental effect on wildlife. Nevertheless the lack of any material harm in these regards would result in a neutral effect that neither weighs in support of or against the scheme.
25. Whilst I note that there were no objections to the proposal from neighbours or the Parish Council and the appeal dwelling is located within a substantial plot, these matters do not justify allowing harmful development. Furthermore the potential future allocation of land to the north of the appeal site for development is not a matter for my consideration in regards to this appeal.

Planning Balance

26. I have found that the development is inappropriate and reduces the openness of the Green Belt which carries substantial weight in accordance with paragraph 88 of the Framework. I have also found material harm on character and appearance which has significant weight. In terms of other considerations, even taken together these have little weight.
27. I therefore conclude that the harm by reason of inappropriateness, the effect on openness and the harm to character and appearance, would not be clearly outweighed and therefore very special circumstances do not exist to justify inappropriate development in the Green Belt. The development is therefore contrary to the relevant provisions of the Framework and the development plan as a whole.

Conclusion

28. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Y. Wright

INSPECTOR