

Appeal Decision

Site visit made on 21 February 2017

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 07 April 2017

Appeal Ref: APP/Y3615/D/17/3167821

17 The Spinney, Ripley Road, Send GU23 7LH

- 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 Gavin Stewart against the decision of Guildford Borough Council.
 - The application Ref 16/P/02226, dated 4 November 2016, was refused by notice dated 22 December 2016.
 - The development proposed is double storey side extension and single storey front extension.
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Decision

1. The appeal is allowed and planning permission is granted for a double storey side extension and single storey front extension at 17 The Spinney, Ripley Road, Send GU23 7LH in accordance with the terms of the application, Ref 16/P/02226, dated 4 November 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PD16216-01, PD16216-02 Revision A, PD16216-03 Revision A, PD16216-EB Existing Block Plan, PD16216-PB Proposed Block Plan.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues in this case are:
 - whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and any other relevant development plan policies.
 - the effect of the proposal on the character and appearance of the area.

Reasons

Whether inappropriate development

3. The appeal property is a semi-detached house within a residential cul-de-sac. It is proposed to extend the house to the front and side in order to create
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additional living accommodation. The property is in close proximity to HM Prison Send and is situated within the Green Belt.

4. The Framework makes it clear that the Government attaches great importance to the protection of Green Belts and substantial weight must be given to any development which harms them. It is stated that the essential characteristics of Green Belts are their openness and permanence and, consequently, the construction of new buildings in the Green Belt should be regarded as inappropriate, with a limited number of exceptions. One of these relates to the extension or alteration of a building which does not result in disproportionate additions over and above the size of the original building. According to the definition within the Framework, 'original building' means as it existed on 1 July 1948 or if built after that date, as it was first constructed.
5. I understand that the floor area of the appeal property has already been increased by 19% as a result of the existing conservatory. The Council indicate that the proposed extension would amount to an 85% increase in the floor area in comparison to the original dwelling. This figure is disputed by the appellant, who states that the increase would be closer to 78%. Nonetheless, even on the basis of the lower figure, the extension would clearly represent a sizeable addition to the floor space of the original dwelling. Whilst no measurements of volume have been provided, the proposal would clearly increase the total bulk of the property, particularly as a consequence of the two storey side extension which would be the same height as the ridgeline of the existing roof. Considered as a whole, the proposed development would therefore result in a disproportionate extension of the original building in the context of paragraph 89 of the Framework (in particular the third bullet point) and Policies H9 and RE2 of the Guildford Borough Local Plan (the Local Plan).
6. However, the appeal site is within the boundaries of a "Major Developed Site" as defined by Policy RE15 of the Local Plan. Paragraph 10.62 of the Local Plan indicates that the HMP Send site has an identifiable core of buildings and is one of five locations where the policy accepts that limited infill development can be accommodated without having any greater impact on the openness of the Green Belt.
7. It seems to me that the policy has similar aims as the further exceptions in paragraph 89 of the Framework. In particular those that indicate that limited infilling in villages, or limited infilling that would not have a greater impact on the openness of the Green Belt or the purposes of including land within it than the existing development, should not be treated as inappropriate development. Although the HMP Send site is not a village, the built up nature of the area covered by Policy RE15 means that it is accepted by the policy to be an area where infill development would not lead to harm to the openness of the Green Belt.
8. The wording of Policy RE15 does not say that it should only apply to prison facilities, as the Council suggest. It is therefore relevant to assess the proposal against the policy, which states limited infilling will be permitted where it would meet one of three criteria. Whilst extensions to dwellings would not normally be described as 'infill' for the purposes of planning policy, paragraph 10.63 of the Local Plan indicates that infilling for the specific purposes of Policy RE15 means the filling of small gaps between built development. In this respect, the proposed extension would appear to meet that description.

9. While it is clear that the proposal would result in some increase in built form, the particular context of the surrounding built up area, and the clear acceptance of the Local Plan policy that development in such areas may not impact on openness, leads me to the conclusion that there would be no greater impact on the openness of the Green Belt, in this particular circumstance.
10. Furthermore, consistent with paragraph 89 of the Framework, the first criterion of Policy RE15 states that the proposal should have no greater impact on the purposes of including land in the Green Belt than the existing development. Paragraph 80 of the Framework establishes that the Green Belt has five purposes. This includes preventing the unrestricted sprawl of large built up areas, safeguarding the countryside from encroachment and preventing towns from merging into one another. Given that the extension would be within an existing domestic curtilage, it would not conflict with any of these purposes. Nor would there be conflict with the purposes of protecting historic towns or encouraging the recycling of derelict land.
11. The second part of Policy RE15 states that the proposal should not exceed the height of the existing buildings. The proposal would not exceed the height of the existing dwelling and so would comply with this aspect. The third criterion of the policy states that the proposal should not lead to a major increase in the developed area of the site. As the proposed extension would be a relatively small addition to the developed proportion of the HM Prison Send site, it would also accord with this aspect of the policy.
12. The proposal would therefore be in accordance with the Policy RE15 of the Local Plan which I find to be consistent in these circumstances, with paragraph 89 of the Framework. This leads me to conclude that the proposal would not be inappropriate development in the Green Belt for the purposes of the Framework and the Local Plan.

Character and appearance

13. The appeal property is one of a pair of semi-detached dwellings which are architecturally similar to No 1a The Spinney. Other dwellings in the street, further to the south, share a different design style. Whilst the presence of front gardens and mature vegetation provides a relatively open and verdant appearance, the surroundings are dominated by large, functional prison buildings and a nearby car park. Hence, the street scene in the vicinity of the appeal site has a somewhat mixed appearance.
14. The proposed front extension would not be a particularly prominent feature as it would only be a single storey in height. It is also likely to be well screened from the street by boundary vegetation. The proposed side extension would be more prominent within the street scene due to its height and mass. However, architectural consistency would be maintained as it would reflect the general design and materials of the host dwelling. Even though it would be a relatively large extension, it would nonetheless remain subordinate in size to the host property despite the clear increase in mass at first floor level.
15. Although the extension would run close to the garage of No 1a The Spinney, a relatively large gap would be maintained with the side elevation of the dwelling itself and a terracing effect would not be created. The character of the street scene in this location would not be undermined.

16. I therefore conclude that the proposal would have an acceptable effect on the character and appearance of the area. There would be no conflict with policies H9 and G5 of the Local Plan in terms of design.

Conclusion and Conditions

17. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.
18. In the interests of certainty a condition requiring compliance with the approved plans has been imposed, together with the standard time limit condition. In order to protect the character and appearance of the area, there is also a condition requiring matching materials.

Colin Cresswell

INSPECTOR