

Appeal Decision

Site visit made on 27 June 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 20 July 2017

Appeal Ref: APP/Y3615/W/17/3169920

Ledgers, Shere Road, West Horsley, KT24 6EQ

- 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 Guy Heilpern against the decision of Guildford Borough Council.
 - The application Ref 16/P/01558, dated 19 July 2016, was refused by notice dated 13 September 2016.
 - The development proposed is the demolition of an existing bungalow and erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt, and;
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. Ledgers is a detached bungalow with a fully hipped and pitched roof which sits within a row of mixed properties along Shere Road. Ledgers falls within the Green Belt where, as per Policy RE2 of the Guildford Borough Local Plan (2003) (LP), new building will be deemed inappropriate unless, as per Policy H6, it involves the replacement of an existing dwelling. However, there is a presumption against the replacement of existing dwellings, with dwellings which are materially larger than those they replace. This is consistent with the Framework which similarly sets out that the replacement of a building, providing the new building is not materially larger than the one it replaces, is not inappropriate development in the Green Belt.
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4. The Council calculate that the proposed dwelling would be 122% larger in terms of floor area. The appellant says 102% increase in floor area is proposed. Either way, the building would at least double in terms of floor area and from the plans before me it is clear that a significantly larger two storey replacement dwelling is proposed. I therefore consider the replacement dwelling to be materially larger and as such contrary to Policies RE2 and H6 of the LP. It would therefore constitute inappropriate development which is, by definition, harmful to the Green Belt.

Openness

5. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposed replacement dwelling would be materially larger than the existing building thereby resulting in a loss of openness. This harm is somewhat tempered by the fact that it is a replacement dwelling located within a row of dwellings which is proposed. However, the overall impact on the openness of the Green Belt would still be moderate given the increase in size of dwelling put forward.

Other considerations

6. As set out above the size of the replacement dwelling would constitute inappropriate development in the Green Belt. I have also found moderate harm in terms of a loss of openness to the Green Belt. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
7. Ledgers has not been previously extended. Evidence of various extensions separately granted planning permission under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is provided. These include a hip to gable roof extension with dormer, single storey rear extension, and single storey side extensions¹. It is put to me that, taken together, these constitute a 'fallback' position as, if they were all implemented, this would create a larger floor space than that of the replacement dwelling.
8. None of the above permitted extensions have yet been carried out. Furthermore, there is nothing before me confirming that all of the permitted works, if carried out altogether, would be lawful, and the Council raises concerns in this respect. This is not a matter for me to determine in the context of an appeal made under S78 of the above Act which is focussed on the planning merits of the proposal before me. In addition to the above concerns, there are no plans showing that a workable layout of dwelling would result from combining all of the above permitted extensions. Going on the various plans before me would, for example, result in three kitchens.
9. There is little evidence, therefore, for me to conclude that there is anything more than a theoretical possibility that all of the above permitted developments could or would be implemented which limits the weight I can attach to it as a 'fallback' position. Similarly, the improved design of the proposal versus the property as extended under permitted development rights can only be afforded limited weight.

¹ 16/P/00282, 15/W/00178, 15/P/01919

10. The proposed dwelling would benefit from greater energy efficiency and a better internal layout with improved daylighting but that is not to say that the existing dwelling could not be improved in this respect. I therefore afford this matter limited weight. I accept that a development of this type would provide economic benefits to custom builders and smaller developers but these would, nevertheless, be modest and short-term.
11. The appellant refers to a case where planning permission was granted in 2011 for a replacement dwelling which represented a 93% increase over the original dwelling based on a 'fallback' position involving the exercising of permitted development rights (11/P/01751). I have not been provided with all of the details in respect of this in order to draw any meaningful comparisons. The scale of works in this appeal, nevertheless, represents a smaller increase in size than that which is before me. An appeal is also referred to (APP/Y3615/W/16/3144638) where a 122% larger replacement dwelling was allowed. However, in this case there was a single planning permission in place for extensions of a similar scale and form, which is materially different to the 'fallback' position before me. Notwithstanding the above, each planning application and appeal must be determined on its own planning merits
12. The absence of letters of objection or presence of letters of support, or the fact that Ledgers is smaller than other dwellings along Shere Road, are not determining factors in this appeal which is focused on Green Belt policy. The removal of future permitted development rights of the replacement dwelling would not satisfactorily overcome the harm to the Green Belt that I have found.

Conclusion

13. Taking into account the other considerations outlined above these do not outweigh the substantial weight which must be given to Green Belt harm, sufficient to demonstrate very special circumstances. The appeal is therefore dismissed.

Hayley Butcher

INSPECTOR