

Appeal Decision

Site visit made on 5 July 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 26 July 2017

Appeal Ref: APP/Y3615/D/17/3174876
25 Grove Heath North, Ripley GU23 6EN

- 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 Mrs Jean Calas-Hathaway against the decision of Guildford Borough Council.
 - The application Ref 17/P/00178, dated 31 January 2017, was refused by notice dated 27 March 2017.
 - The development proposed is the erection of single storey rear extensions and roof alterations to form a bedroom in the roofspace following demolition of the existing detached rear garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted a Planning Obligation in the form of a unilateral obligation. The roof alterations referred to in the description of development have been substantially completed as permitted development.

Main Issues

3. It is considered that the main issues are:
 - (a) Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - (b) The effect of the development on the openness of the Green Belt and the purposes for including land within it;
 - (c) The effect of the development on the visual amenity of the Green Belt and character and appearance of the surrounding area and the host property; and
 - (d) If the development is inappropriate, 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.
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Reasons

Whether the proposal would be inappropriate development for the purposes of the Framework and development plan policy

4. The appeal property is a modest sized bungalow which has a rear addition and there is a single storey garage within the rear garden. At the front of the property is a single storey addition with a flat roof, the planning status of which is uncertain. Pursuant to a Certificate of Lawful Development issued by the Council (Ref 16/P/02250), alterations are ongoing to the property's roofspace to create additional accommodation. This Certificate also included additions to the side and rear of the property which are material considerations addressed later in this decision alongside the demolition of the garage.
5. Although part of a collection of dwellings fronting Grove Heath North, the property is located within the Green Belt. Policy RE2 of the Guildford Borough Local Plan (LP) identifies that within the Green Belt new building will be deemed inappropriate unless it is for specified purposes, one of which is the limited extension, alteration or replacement of existing dwellings providing it is in accordance with LP Policies H6 and H9. Whilst this policy is not wholly consistent with the Framework, the provisions relating to extensions to dwellings are broadly the same and, as such, the policy can be given full weight.
6. LP Policy H9 in turn deals with extensions to dwellings and provides that, in addition to a number of design considerations, for dwellings outside the identified settlements and within the Green Belt there will be a presumption against extensions to dwellings which result in disproportionate additions, taking into account the size of the original dwelling. The preserved explanatory text at LP paragraph 5.39 does not set out any guidance as to what might constitute a disproportionate extension, although it says that the principal consideration will be the effect on openness. The Framework also does not include guidance on what might be a disproportionate addition over and above the size of the original building and does not, unlike the types of development listed in paragraph 90, refer to the preservation of the openness of the Green Belt being an assessment criterion for additions.
7. Reflecting Case Law¹ referred to by the appellant, and the Framework as the most recent expression of Green Belt policy, the scale of the original building is the most important criterion against which to assess whether a proposal is a disproportionate addition. Accordingly, clarification was sought from the parties about the scale of the original bungalow and the floorspace figure provided varied between 72sq m and 82sq m. The difference between the figures is unclear but may be related to the front addition and porch.
8. Other Case Law² provided by the appellant indicates that there is a judgement to be made about what amounts to a disproportionate addition. The existing rear addition possesses a floorspace of around 17sq m. The proposed development includes a rear extension which would have a floorspace of circa 63sq m according to the Design and Access Statement. Cumulatively, these alterations would increase the original building's floorspace by 80sq m or

¹ Surrey Homes Limited v Secretary of State for the Environment, Transport and the Regions

² Guildford Borough Council v Secretary of State for Communities and Local Government and Others

between 97% and 111% dependent upon the floorspace figure adopted. In either case, because of its scale the proposed rear extension is judged to be a disproportionate addition and not the type of small extension referred to in LP paragraph 5.39 which allows for further extensions even where previous additions have been erected.

9. By reason of cumulative scale, the proposed development would be a disproportionate addition to the original property and it is, therefore, concluded that it would be inappropriate development in the Green Belt and, as such, it would conflict with LP Policies RE2 and H9 and the Framework. Paragraphs 87 and 88 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be attached to any harm to the Green Belt. 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. The question of any other harm and the other matters in this case are now considered.

The effect of the development on the openness of the Green Belt and the purposes for including land within it

10. Paragraph 79 of the Framework states that one of the essential characteristics of Green Belts is their openness. LP paragraph 5.39 refers to the principal consideration for an assessment of an extension being its effect on openness. The proposed rear extension would increase the bulk of the bungalow. The enlarged property would be seen from neighbouring gardens and there would be some localised views from the road. For these reasons, it is concluded that the appeal scheme would have an adverse effect on the openness of the Green Belt but the degree of harm would be limited.
11. By reason of the appeal scheme being contained within the residential curtilage, it is concluded that the proposed extension would not conflict with the purposes of the Green Belt as identified at paragraph 80 of the Framework, in particular safeguarding the countryside from encroachment.

The effect of the development on the visual amenity of the Green Belt and character and appearance of the surrounding area and the host property

12. As noted, the property forms part of a collection of varying designs and types of dwellings fronting Grove Heath North and is sited within a spacious plot. Some of these dwellings have been altered by side, rear and roof extensions. The proposed extension to the rear of the property would not cause any significant harm to the residential character and appearance of the surrounding area. The enlarged property would still be sited within a spacious plot which is a characteristic of other neighbouring dwellings.
13. However, the proposed rear extension would effectively double the depth of the existing bungalow. The proposed extension would be a bulky addition to the property and result in a significant increase in this modest sized bungalow, even as currently altered, rather than be a subservient addition. Further, by reason of its contrived design, there would be an awkward juxtaposition between the proposed bedroom and the proposed study/bedroom. The flat roof of the proposed bedroom would not positively complement the design and character of the existing property and its pitched roofs. Overall, the proposed

extension would fail to respect the scale, appearance and character of the property and this matter significantly and demonstrably outweighs the lack of harm caused to the character and appearance of the surrounding area.

14. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and the host property and, as such, it would conflict with LP Policy H9 which requires extensions to respect the scale and character of the property. This policy is consistent with the Framework's principle of securing high quality design. The Council has referred to LP Policy G5 but this appears to be directed at new buildings rather than extensions.

If the development is inappropriate, 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

15. The appeal scheme has been judged to not cause harm to the purposes and visual amenity of the Green Belt. However, these matters merely result in there being no additional harm to that arising from the inappropriate development and the weight attached to them needs to be tempered accordingly. Therefore, moderate weight has been attached to these matters.
16. As confirmed by the legal cases provided by the appellant³, a fall-back position is capable of being a material consideration. The existence of the Certificate of Lawful Development for side and rear additions and the planning consent for the extension and re-use of the garage as habitable accommodation (Ref 15/P/01788) have been carefully considered. Although the concerns of the Council regarding whether the proposed additions would be implemented have been noted, there is no specific evidence before me to indicate the appellant would not implement fully all the permitted development works.
17. The appellant has stated that the side and rear additions to the property and the alterations and re-use of the garage would not be implemented if this appeal was allowed. A Planning Obligation has been submitted which would, at the appellant's election, allow either the permitted and approved developments or only the appeal scheme to be implemented. The alterations already undertaken to the roof are excluded from the Obligation. The Council has confirmed the terms of the Obligation would achieve the stated intention.
18. When compared to the permitted and approved development, the appellant claims that the appeal scheme would be about 8sq m smaller than the permitted development works. The Obligation does not secure the demolition of the original garage but a condition could be imposed.
19. As claimed by the appellant, there is the realistic ability to restrict the erection of the permitted and approved developments to off-set the floorspace associated with the proposed extension and to consolidate the built forms of development. Accordingly, significant weight to be given to the fall-back position.

³ R (on the application of Zurich Assurance Limited trading as Threadneedle Property Investments) v North Lincolnshire Council and Simons Developments Limited and Brentwood Borough Council v Secretary of State for the Environment and Gray.

20. When assessed on floorspace alone there would be a minimal difference between the effects on the openness of the Green Belt when the fall-back and appeal scheme are compared. However, although the garage would be demolished, the consolidation of the floorspace into a single rear extension would, as already explained, still represent a significant increase in the size and bulk of a modest sized bungalow located within the Green Belt.
21. Reference has been made by the appellant to other appeal decisions⁴ for development within the Green Belt within the Borough. Although the full planning circumstances of all these proposals have not been provided, some of these other schemes are for replacement dwellings and others are for extensions to properties.
22. It appears to me that the schemes involving extensions to dwellings were assessed based upon their individual circumstances, including being small extensions to an already extended building as referred to at LP paragraph 5.39. These other schemes can also be differentiated from the proposed development by their scale, type of extension, circumstances of the host property and siting. Some of the decisions also pre-date the Framework which is a more up-to-date expression of Green Belt policy. Limited weight is given to these other appeals in the determination of this appeal.
23. The appellant's reference to the consistency of the Council's decision making concerning percentage increases in other properties has been noted.⁵ However, for similar reasons as the other appeals, limited weight has been given to this matter and the proposed extension's scale and effects on the original bungalow have been assessed on their own circumstances.
24. The absence of any objection from the Council on grounds of harm being caused to the living conditions of the occupiers of neighbouring properties has been noted. This matter is given limited weight in the determination of this appeal because it does not materially alter the assessment about the implications for development occurring in the Green Belt.

Conclusion

25. The fall-back position has been given significant weight and, for the reasons given, between moderate and limited weight has been attached to the identified other considerations. However, because of the proposed rear extension's design, scale and bulk, unacceptable harm would be caused to the character and appearance of the surrounding area and the host property. I am satisfied that cumulatively the fall-back position and the other considerations in this case are significantly and demonstrably outweighed by this identified harm. Consequently, the very special circumstances necessary to justify the proposed development do not exist and this appeal should be dismissed.

D J Barnes

INSPECTOR

⁴ Refs APP/Y3615/A/08/2088194; APP/Y3615/A/12/2168295; APP/Y3615/D/12/2180497 and APP/Y3615/D/13/2198467

⁵ Refs 08/P/00965 and 14/P/00345 and also Guildford Borough Council v Secretary of State for Communities and Local Government and Others