



Appeal Decision

Site visit made on 27 November 2017

by Chris Couper BA (Hons) DipTP MRTPI

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

Decision date: 20 December 2017

Appeal Ref: APP/Y3615/D/17/3181984

Spindleberry, Chalk Lane, East Horsley KT24 6TH

- 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 and Mrs Allen against the decision of Guildford Borough Council.
 - The application Ref 17/P/00717, dated 30 March 2017, was refused by notice dated 25 May 2017.
 - The development proposed is a two storey rear extension, front porch and alterations following demolition of an existing single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not inappropriate development in the Green Belt

3. The National Planning Policy Framework ('Framework') sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. At paragraph 89 it regards the construction of new buildings as inappropriate other than in the case of a number of specified exceptions. One of these is 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.
4. Policy RE2 of the Guildford Borough Local Plan 2003 ('LP') identifies limited extensions or alterations to existing dwellings as a form of development that is

not inappropriate in the Green Belt. LP Policy H9 sets out a presumption against extensions to dwellings outside of identified settlements and within the Green Belt which would result in disproportionate additions taking into account the size of the original dwelling. Consequently, in combination the thrust of those policies broadly reflects the Framework, and I give them substantial weight.

5. The proposal would involve the demolition of an existing flat-roofed single storey projection on part of Spindleberry's rear face, which does not form part of the original building, and its replacement with a two storey extension, with dormers. There would also be a very modest front porch. The rear extension would span the host's entire width, and, in side profile would add very substantially to its two storey depth.
6. The Council calculates that, as a result of this scheme, the floor area of the original dwelling would increase from 163.1sqm to 319.1sqm – an uplift of 95.6%, whilst the appellants calculate that the uplift would be 94% by floor area, and 71% by volume. Whatever the precise figures, it is clear to me that the proposed rear extension would have a very significant bulk and mass, and that it would represent a disproportionate addition to the original building. The scheme would therefore conflict with the Framework and with LP Policies RE2 and H9. In accordance with Framework paragraph 88 I give that harm substantial weight.

The openness of the Green Belt

7. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. The visual impact of the proposed rear extension from the sunken and tree-lined Chalk Lane would be very limited, although there would be glimpses of its northern flank.
8. Nevertheless, the scheme would significantly extend Spindleberry's footprint and its two storey built form to the rear. In so doing, it would harm the Green Belt's openness in this location, thereby conflicting with one of its essential characteristics. Consequently, the proposal would conflict with the Framework and with LP Policy RE2. The harm caused on this issue adds to the harm that I have found by reason of inappropriateness.

Other considerations

9. The appellants have provided detailed evidence concerning a fallback comprising a two storey rear extension, which benefits from a Certificate of Lawfulness (Ref: 17/P/00600) ('PD extension') and a two storey side extension with gable to hip roof alteration and rear dormer, which has extant planning permission (Ref: 16/P/02316) ('permitted scheme'). Given the expressed need for additional family accommodation, and that a Building Notice has been submitted for those schemes, I consider that there is a reasonable likelihood that the fallback would be implemented were I to dismiss the appeal.
10. The Council states that the PD extension, which would have to be built first, would prevent the full implementation of the roof alterations and rear dormer in the permitted scheme. However, as the appellant points out, that dormer is severable from the remainder of the permitted scheme and there is no requirement for all the approved elements to be fully implemented. Furthermore, a slightly revised Certificate of Lawfulness application ('revised

PD scheme') has been submitted to address the alleged slight roof level overlap between the two.

11. The PD extension would be similar in height to this scheme, but slightly shorter, and would not contain dormers in the roof. Taken in isolation its impact on the Green Belt would therefore be less harmful than this scheme. However, in combination with the permitted scheme it would result in substantial two storey extensions to the rear and side, which, according to the appellants would result in a 100% uplift on the original dwelling's floor area, and an 82% uplift on its volume. Whilst implementation of the revised PD scheme instead of the PD extension would result in a slightly smaller volume uplift, as a fallback, either proposal taken together with the permitted scheme would have a greater overall bulk than this proposal, and would be more harmful to the Green Belt.
12. The appellants state that, should the appeal be allowed, the permitted scheme would not be built. That, they suggest, could be controlled by an 'either/or' condition stating that the appeal scheme shall not be carried out in addition to the permitted scheme. Although I have no detailed evidence, I understand that that type of condition was imposed in an appeal at Inglehurst, Outdowns.
13. The implementation of an existing permission cannot be prevented by a condition attached to a subsequent permission. Although I have been provided with the wording of the condition at Inglehurst, that referred to a Certificate of Lawfulness, and I do not have the suggested wording for a condition here. However, I have concerns that were I to impose an 'either/or' condition along the lines suggested, it could essentially nullify the benefit of the permission that I would be giving; and I am not persuaded that it would be effective in preventing the implementation of both this scheme and the permitted scheme. Consequently, notwithstanding the cited appeal decision, I consider that a binding obligation rather than an 'either/or' condition would be an appropriate mechanism to prevent the implementation of the permitted scheme.
14. The appellant states that the Council's new Local Plan is at an advanced stage and due for submission in December 2017, and that East Horsley including Chalk Lane is proposed for inclusion within an Identified Settlement Area and removal from the Green Belt. Be that as it may, the site is currently within the Green Belt, I have no details of representations concerning those proposals, and I cannot be certain what the outcome will be following examination. Consequently, I give that matter very limited weight in my decision.
15. Although the proposal would include the removal of the existing flat-roofed extension, whose form contrasts with the remainder of the dwelling, it is discretely sited to the rear, is of a fairly modest scale, and is constructed in matching brickwork. Consequently, the visual benefit of removing that extension would be limited. Nevertheless, the proposed change from a gable to a hip on the southern roofline would better reflect the character of the original dwelling. Overall, there would therefore be very modest design benefits arising from the scheme.

Green Belt Balance and Conclusions

16. Summing up, the scheme would result in a disproportionate addition to the original building, and would thereby constitute inappropriate development in

the Green Belt. It would also harm the Green Belt's openness. I give substantial weight to those harms.

17. The fallback of the permitted scheme and the PD extension or revised PD scheme, would be more harmful than the appeal scheme alone. However, whilst there is a reasonable likelihood that both elements of the fallback would be carried out should the appeal be dismissed, I am not satisfied that a condition as suggested would be a suitable and effective mechanism to prevent the implementation of the permitted scheme along with the appeal scheme, if I were to allow it. Should the permitted scheme be implemented along with the appeal scheme the harm to the Green Belt would be even greater than that arising from implementation of the fallback.
18. Although the site may be removed from the Green Belt in the future, it is in the Green Belt now, and I cannot be certain what the outcome will be following the emerging Local Plan's examination. In the scheme's favour, there would be very modest design benefits.
19. For the reasons above, I find that the other considerations in this case do not clearly outweigh the totality of the harm that I have identified, and that the very special circumstances necessary to justify the development do not therefore exist. The scheme would conflict with the development plan and with the Framework. Consequently, having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR