
Appeal Decisions

Site visit made on 20 February 2018

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS

an Inspector appointed by the Secretary of State

Decision date: 21 March 2018

Appeal A: APP/Y3615/X/17/3180468

Melrose, Guildford Road, East Horsley, Leatherhead KT24 5RX

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr and Mrs Campbell against the decision of Guildford Borough Council.
 - The application Ref 17/P/00679, dated 27 March 2017, was refused by notice dated 22 May 2017.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is construction of replacement rear roof extension, two replacement rear dormers and a side roof dormer extension.
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Appeal B: APP/Y3615/W/17/3180472

Melrose, Guildford Road, East Horsley, Leatherhead KT24 5RX

- 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 Campbell against the decision of Guildford Borough Council.
 - The application Ref 17/P/00678, dated 27 March 2017, was refused by notice dated 24 May 2017.
 - The development proposed is construction of replacement rear roof extension, two replacement rear dormers and a side roof dormer extension.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed insofar as it relates to a side roof dormer extension. The appeal is allowed insofar as it relates to a replacement rear roof extension and two replacement rear dormers and planning permission is granted for replacement rear roof extension and two replacement rear dormers at Melrose, Guildford Road, East Horsley, Leatherhead KT24 5RX in accordance with the terms of the application, Ref 17/P/00678, dated 27 March 2017 and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:-

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The materials used on the exterior shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Reasons

Appeal A - Lawful Development Certificate

3. Class B of Town and Country Planning (General Permitted Development) Order permits additions and alterations to the roof of a dwellinghouse provided they accord with various limitations. One limitation is that the cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 50 cubic metres in this case.
4. It is common ground that the property has undergone alterations since that time, increasing the volume of the roofspace. The appellant's calculations of the volume of the various aspects of the roof are not in dispute. The disagreement is what should be included as an extension to the dwellinghouse, in particular the garage/studio.
5. The garage and studio building is part of the dwellinghouse and used with it, there being a direct link between the main part of the house and the garage through the greenhouse. The link to the garage/studio from the house has a solid brick front wall and rendered wall at the rear with patio doors. Physically and visually the garage/studio and greenhouse are seen to be part of the main dwellinghouse. A garage is an important normal domestic adjunct, as is a studio. Even being physically separated from the main house would not necessarily prevent them from being part of the dwelling if they were reasonably close to it. However, in this case they are not physically separated, but attached and clearly seen as one with the main building, directly accessed from the dwellinghouse. I conclude that these extensions are part of the extensions to the dwellinghouse and should be included in the calculations of roof volumes.
6. In coming to this view I have taken into consideration the counsel's observations. I agree that if there was a garage in position that was removed to allow the extension, the volume of that roof should be a consideration and deductible from the calculation. However, I have little evidence in relation to that building in terms of its roof volume or age. The Council say there is no record of the building on maps prior to 1948 and in any case it was a relatively low building, with little roof volume. Given the amount that the current roof takes the proposal over the limits set for PD, I consider it unlikely that roof space would have a material difference to the outcome.
7. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of construction of a replacement rear roof extension, two replacement rear dormers and a side roof dormer extension was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Appeal B - Section 78 Appeal

8. The development plan includes the Guildford Borough Local Plan [LP]. LP Policy RE2 relates to development within the Green Belt and indicates that new building will be deemed inappropriate unless it is for identified purposes that include limited extension, alteration or replacement of existing dwellings, providing it is in accordance with, amongst others, LP Policy H9. LP Policy H9 relates to extensions to dwellings in the countryside. Relevant to this appeal it notes extensions to dwellings will be permitted provided that the development will have no unacceptable effect on the scale and character of the dwelling. However, in addition to the above, 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.
9. Notes indicate that the principal consideration will be the potential impact of the extension itself on the openness of the Green Belt and the visual amenities of the Green Belt in terms of its size, scale, design, materials and character. Small extensions, even where there have been a number of previous extensions to the original dwelling, will not necessarily be refused.
10. LP Policy G5 sets out the design code. New buildings should respect the scale and proportions of the surrounding environment.
11. The National Planning Policy Framework (the Framework) indicates that the government attaches great importance to Green Belts and amongst other things the essential characteristic of Green Belts are their openness and their permanence.
12. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy and the effect on the openness of the Green Belt and the effect on the openness of the Green Belt.
 - The effect on the character and appearance of the area.
 - If the development is inappropriate in the Green Belt, 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.

Inappropriate Development and Openness

13. LP Policy RE2 also allows limited extensions providing they are not disproportionate. While this policy is old and refers to the old PPG, it remains reasonably consistent with the Framework. This notes the construction of new buildings should be regarded as inappropriate in the Green Belt. However, with relevance to this case is the exception of extensions or alterations of a building, provided they do not result in disproportionate additions over and above the size of the original building.
14. Calculations of the floor areas of the various parts of the building provide a guide to the additions that have occurred. These indicate there would be an increase of about 14m², resulting in an overall increase in the size of the

building of about 42% of the original dwelling floor area, a large percentage in relation to the original building. In addition, the development proposed has a considerable visual effect on the bulk and appearance of the building, with a large and prominent extension at the side and extensions on the rear roof slope.

15. I conclude that the extensions to the building, taken together with that now proposed, in floor area terms would be disproportionate and not a limited extension, and the extensions themselves add considerable bulk to the building and have a considerable impact on openness. The proposal would not be appropriate development in the Green Belt. The Framework notes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering applications substantial weight is to be given to any harm to the Green Belt.

Character and Appearance

16. The current arrangement of the rear extensions is not particularly good, with a rather poorly designed central dormer that is not well positioned in relation to the other two dormers. To my mind, the proposed arrangement of the rear dormers would be an improvement, with very limited increase in the bulk or floor area of the building. As noted in the text, the policy does not exclude small extensions, which may be permitted in accordance with policy, even where there have been additions elsewhere. I consider this to be the situation for the rear extensions and conclude these comply with the LP Policy H9.
17. However, the side extension, while only having a small change to floor area, has a considerable impact on the bulk of the building, extending the roof out considerably to the side. It is also a contrived arrangement, with a small slope to one end. This structure is not good design as required by LP Policy G5 and adds considerable bulk to the building and is not a small extension. I accept that there is limited public visibility and take this into account, but that still does not make it good design and it continues to impact on the openness of the Green Belt.

Very Special Circumstances

18. 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 circumstances.
19. The appellant identifies that impact on the Green Belt is not just considered in relation to volumetric matters, but visual impact is also to be considered. However, just because something is not visible from outside its curtilage does not mean that it cannot cause harm to the Green Belt. If that were the case it could mean that in large tracts of land in the Green Belt, not visible from anywhere public, large buildings could be built, but that is not necessarily the case and impact on Green Belt openness would remain an issue.
20. In this case, because there is limited visibility and it is attached to a gable does not change the fact that there is an extension with considerable bulk and poor appearance. Substantial weight is to be given by definition to the harm to the Green Belt and this, together with the harm to the openness of the Green Belt, is not outweighed by the matters put forward by the appellant. In coming to this conclusion I have taken into consideration the other decisions identified,

but for the reasons given above have found unacceptable harm here. The side extension does not accord with LP Policy RE2, H9 or G5. I shall issue a split decision allowing the rear alterations, but refusing the side extension.

Graham Dudley

Inspector