The Planning Inspectorate

Appeal Decision

Site visit made on 21 February 2018

by Timothy C King BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2018

Appeal Ref: APP/Y3615/W/17/3179601
Dovedale, Long Reach, West Horsley KT24 6ND

- 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 Nicky Smals against the decision of Guildford Borough Council.
- The application Ref 17/P/00771, dated 4 April 2017 was refused by notice dated 2 June 2017.
- The development proposed is demolition of existing detached garage and construction of proposed replacement garage with studio above.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development plan for the Guildford Borough area was adopted in 2003, with certain of its policies 'saved' by a CLG direction in 2007. In terms of national Green Belt policy this is set out in the more contemporary National Planning Policy Framework document (the Framework), published in 2012. In the circumstances, although I refer to relevant development plan policies, the main issues are set out with particular reference to the Framework.

Main Issues

3. The site lies within the Metropolitan Green Belt. In the particular circumstances, the main issues in this case are:

   i) whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework;

   ii) the effect on the openness of the Green Belt; and

   iii) if it is inappropriate development, whether the harm by reason of inappropriateness and by reason of any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development.

4. Dovedale is a detached two-storey dwelling with a separate double width garage away from its flank, and close to the property's side boundary. The garage has a central ridge to its roof only slightly higher than its eaves. It is proposed that the existing garage be replaced with a new building with garage space and a workshop at ground floor level and also an upper floor studio. The new building, although similar in width, would be markedly greater in height in order to accommodate the studio floorspace.

5. The National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt is inappropriate development, unless it is for certain specified purposes as set out in paragraph 89 of the document . One of these, relevant to this appeal, is the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.

6. In this regard the appellant has provided comparison figures between the existing garage and the replacement building proposed. These indicate that the existing garage has a footprint of some 36 sqm, with a height of some 2.65 m, whereas the replacement building would have an area of approximately 46sqm and a ridge height to some 6m. However, this floorspace increase does not take into account the proposed upper floor studio. Nonetheless, even without including this, the proposal does not meet the requirement for this exception.

7. Another exception of relevance would involve 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. In this respect the Council has provided details of the site's planning history which shows that the dwelling has previously been extended with additions to its rear, side and front.

8. The key word here is *original* and the appellant gives mention to only the dwelling's estimated existing floorspace of 244 sqm. However, the floorspace of the dwelling as originally built would have been considerably less than this, with the Council providing a figure of 136 sqm. Although the main parties disagree as to the increased floorspace arising from the proposed garage's accommodation over two levels the increase over the original dwelling is still substantial. Even when discounting the existing garage, which would be demolished, the additional build would still be of significance.

9. The proposal, therefore, in failing to meet these exceptions, constitutes inappropriate development, which is, by definition, harmful to the Green Belt.

Openness

10. The Framework states that an essential characteristic of Green Belts is their openness and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land within them permanently open.

11. Although the proposed building would be set on a slightly enlarged footprint, the height difference arising from its roof's steep pitches would be considerable. The new building would be set slightly forward than that of the

existing garage and would be much bulkier in form. In the circumstances, I conclude that the proposal would be harmful to the openness of the Green Belt and contrary to relevant advice within the Framework.

Other considerations

12. The appellant makes the point that, under the Town and Country (General Permitted Development) Order, a householder's permitted development entitlement would allow, under Class E, for a much larger building than is here proposed. In terms of floor area this might be the case but there would be particular limitations on its height. To illustrate, if any part of the building is within 2m of the boundary its maximum height should not exceed 2.5m. The proposal fails in this regard. Neither should the building be more than one storey in height and also its eaves should not exceed a height of 2.5m. The fallback position, although a material consideration, would not therefore allow for a new building to the height proposed.

13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The new building would likely be more aesthetically pleasing than might be the case with the existing garage and it would not have an unacceptable effect on the scale and character of the main dwelling.

14. Nonetheless, although the proposal would likely satisfy the Council's design objectives the proposal would, in particular, be contrary to Policy H9 of the Guidford Borough Local Plan (LP) in that, with regard to the site's Green Belt location, it would represent a disproportionate addition when taking into account the size of the original dwelling. In this context the appellant's comment that the proposal would be in accordance with LP Policies G1(3) and G5, concerned with the amenities of neighbouring occupiers and crime prevention, respectively, would not be the primary considerations.

15. The appellant considers that the Council's replacement Local Plan, which she indicates would alter the policy designation of West Horsley, should be a material consideration in this appeal. However, as I understand it, the new plan has yet to be adopted and I therefore, at this point, afford this matter little weight. I acknowledge the point that the proposal would enable home working but this does not override the resultant harm I have identified.

16. I have also had regard to the previous appeal decisions provided by the appellant. However, as both these pre-date the Framework, their weight is limited.

Very special circumstances

17. Paragraph 88 of the Framework requires decision makers to ensure that substantial weight is given 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. In this particular instance, as I have identified harm by reason of inappropriateness and also harm to its openness, in order to justify

the proposal other considerations in favour of the development must clearly outweigh the harm.

18. However, from my findings set out above such matters have not been demonstrated. I thereby conclude that any benefits arising from the proposal and considered compliance with certain local policies are insufficient factors in this instance to constitute the very special circumstances necessary to justify the development.

Conclusion

19. I have found harm on both the main issues, which is compelling. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR