



Appeal Decision

Site visit made on 4 June 2019

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2019

Appeal Ref: APP/Y3615/W/19/3224187

Woodlands, The Warren, East Horsley, Leatherhead, Surrey KT24 5RH

- 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 & Mrs Lonie against the decision of Guildford Borough Council.
 - The application Ref 18/P/01718, dated 31 August 2018, was refused by notice dated 21 November 2018.
 - The development proposed is described as the erection of a replacement dwelling together with alterations to parking and vehicular access arrangements.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was lodged the Guildford Borough Local Plan: Strategy and Sites was adopted on 25 April 2019 (LP). As a result, I have consulted both parties and taken any comments into account in reaching my decision.

Main Issue

3. The appeal site is within the Green Belt and so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (2019) (the Framework);
 - The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area;
 - If the proposal would be inappropriate development, 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 it.

Reasons

4. The appeal property, which is a large detached two storey property is located in a private residential road. The intention is to demolish the existing dwelling and detached garage and replace it with a two-storey dwelling.

Whether inappropriate development

5. The Framework establishes that new buildings within the Green Belt are inappropriate, unless amongst other things, it involves the replacement of an existing building for the same use and it is not materially larger than the building being replaced. Policy P2 of the recently adopted LP deals with development within the Green Belt and is broadly consistent with the Framework.
6. The Council has undertaken an assessment of the proposed dwelling. Whilst there is a dispute between the parties on the precise measurements and whether the detached garage should form part of the assessment, the appellant acknowledges that a substantially larger dwelling than the one that it replaces would result, even when the lower percentage increase figures produced by the Council are taken into account. This assessment indicates that there would be an increase in floor area and volume of approximately 40%, which would represent a significant increase in size. Further the appellant's evidence indicates that there would be a substantial increase in the height, width and roof height of the proposed new dwelling when compared to the existing dwelling and on that basis, I conclude that the overall scale and bulk of the proposed dwelling would be materially larger than the one it would replace.
7. Whilst the Council's policy P2 of the LP gives no detailed guidance on replacement buildings or sets thresholds relating to floor space or volumetric increase for replacement buildings, based on the evidence before me the scale of and proportionate increase of the proposed new dwellings would be significant and would represent inappropriate development in the Green Belt.

Openness and Character and Appearance

8. Openness is an essential characteristic of the Green Belt and as set out in paragraph 133 of the Framework, the fundamental aim is to avoid urban sprawl by keeping land permanently open. Whilst the visual effect of the development proposed is limited, given that its scale and mass would be significantly larger, there would be a permanent adverse effect to the preservation of openness and as a result it would be contrary to the Framework and also Policy of P2 of the LP, which when read together seeks to protect the Green Belt from inappropriate development.
9. The proposed dwelling would replace a building of a post war period which has no significant architectural merit. Its design and layout would be in keeping with its surroundings which are characterised by large detached properties on spacious plots. The materials proposed would also be similar to other developments in the area and therefore it would not appear incongruous and would not result in a harmful effect on the character and appearance of the area. I note that there is no dispute with the Council on this matter.

Other Considerations

10. The appellant suggests that there are a number of very special circumstances which would outweigh any harm caused to the Green Belt. As a result of the recently adopted LP, The Warren is now located within the identified settlement boundary but is still located within the Green Belt.

11. The appellant states that the development proposed would represent limited infilling within an identified settlement boundary and therefore would fall within the list of exceptions identified in the Framework. However, as I have concluded that the development proposed would have a greater impact on the openness of the Green Belt than the existing development it would not comply with paragraph 145 g) of the Framework and accordingly as it would not represent very special circumstances, I attach no weight to it.
12. The appellant states that the size of the proposed new dwelling was based on advice from the Council; this is however disputed. Further, the appellant refers to a number of other permitted replacement dwellings in the vicinity, which I observed during my site visit. Whilst I note that the Council states that most of these developments pre date the Framework and in one instance the previously adopted local plan, no other details are before me. Accordingly, they do not alter my decision. Moreover, each application must be judged on its own merits
13. It is acknowledged that the development proposed would make efficient use of previously developed land and would result in an energy efficient dwelling which would have no harmful effect on the character and appearance of the area, as a result I attach moderate weight to these benefits.

Conclusions

14. The development proposed would be inappropriate development in the Green Belt that would conflict with national and local policy to protect the Green Belt and this is a matter to which the Framework requires me to attach substantial weight. In addition, there would be a loss of openness. As openness is one of the most important attributes of the Green belt, this constitutes substantial additional harm that further weighs against the proposal.
15. Whilst the development proposed would have some limited benefits to which I have attached moderate weight, these considerations would not clearly outweigh the totality of the harm which is the test they have to meet. Consequently, the very special circumstances necessary to justify the development do not exist.
16. For the above reasons, the appeal is dismissed.

Paul Wookey

INSPECTOR