



Appeal Decision

Site visit made on 4 June 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 05 September 2019

Appeal Ref: APP/Y3615/W/19/3223467

Hollowfield Cottage, Littleton Lane, Guildford, Surrey GU3 1HN

- 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 Roger and Rosemary Musson against the decision of Guildford Borough Council.
 - The application Ref 18/P/01436, dated 18 July 2018, was refused by notice dated 8 November 2018.
 - The development proposed is demolition of the existing dwelling and outbuildings. Erection of a replacement dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Guildford Borough Local Plan: Strategy and Sites 2019 (the LPSS) was adopted following the Council's decision. The Council confirms that some of the policies it cited from the Guildford Borough Local Plan 2003 (the LP03) have now been replaced. I have therefore considered the appeal on the basis of cited policies which now form part of the LPSS, and any from the LP03 that have been retained.
3. The application was not advertised in accordance with Regulation 5A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 during the course of its determination by the Council. The Council was therefore requested to carry out the necessary advertisement during the appeal process.

Main Issues

4. The main issues are:
 - whether the development would be inappropriate development in the Green Belt;
 - the effect of the development on the openness of the Green Belt;
 - whether the development would preserve or enhance the character or appearance of Littleton Conservation Area (the Conservation Area); and
 - 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

Whether the development would be inappropriate development

5. The site lies within the Metropolitan Green Belt. It contains an extended single storey bungalow, and 5 outbuildings of varied type and size, positioned on a locally prominent plot of rising ground.
6. Paragraph 145(d) of the Framework states that the replacement of building is 'not inappropriate' development within the Green Belt, provided that the new building is in the same use, and is not materially larger than the one it replaces. Whilst Policy P2 of the LPSS, which concerns development in the Green Belt, does not state that outbuildings can be included within such an assessment, Policy P2 equally does not state that outbuildings cannot be taken into account. Furthermore, the Courts have established that there is no reason in principle why the objectives of Green Belt policy cannot be met by the application of the exception currently set out in paragraph 145(d) of the Framework, to the replacement of a group of buildings.
7. In this case the outbuildings in question are scattered across the site. Not all are positioned close to the existing bungalow, or clearly visible as a group within any single view either from within the site, or from outside it. This includes from the footpath to the east which provides the most extensive public views of the site. This said, I have no reason to believe that the outbuildings serve uses other than ones which are ancillary or incidental to that of the existing bungalow, or that their collective replacement would be inconsistent in principle with the objectives of Green Belt policy. I therefore accept that these outbuildings can be considered alongside the existing bungalow in the context of the proposed 'replacement' dwelling.
8. The proposed development would thus see all the buildings on site replaced by a new 1.5 storey dwelling. The footprint of the proposed dwelling would be smaller than that of all the buildings currently on site combined. This is however a simple reflection of the current number of such buildings. In 3-dimensional terms, the appellants' own figures show that the proposed dwelling would be considerably larger than the existing bungalow in terms of ground-ridge height, depth and width, and that the total volume of the proposed dwelling would be larger than that of all the buildings currently on site combined.
9. There is no doubt therefore that the proposed building would be materially larger than the buildings replaced. Consequently the exception set out in paragraph 145(d) of the Framework does not apply.
10. I conclude therefore that the development would be inappropriate development in the Green Belt, and that as such it would conflict with Policy P2 of the LPSS.

Openness

11. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to keep land permanently open. In effect, this means that Green Belts should remain, on the whole, free from development
12. Notwithstanding the overall reduction in building footprint, the increase in the overall volume of built-form on site would, as a matter of fact, have a greater spatial impact on the openness of the Green Belt than the existing

development. This is because, as outlined above, it would occupy a greater amount of 3-dimensional space.

13. In visual terms, the reduction in the number and distribution of buildings on, and across the site, would be at least partially apparent in views from the east, and also from within the site itself. However, as a group, none of the existing buildings has a strong physical or visual presence on account of their generally modest to small size, and shallow roof forms. In contrast the proposed consolidation of built-form, and indeed the real terms increase in its amount, would produce a building whose external dimensions and volume would give it a significant physical and visual presence.
14. Though the proposed dwelling would be dug into the sloping ground, and present a 'short' elevation to the east, the balcony, half-dormers and substantial roof form would nonetheless remain visible. It would therefore be obvious to any observer that the proposed replacement building was of much larger type and size than the existing single storey bungalow and modest outbuildings. The visual impact of the proposed building would as such be greater than that of the existing scatter of buildings.
15. For the reasons outlined above, the perceived loss of openness resulting from the development would be greater than any perceived gains. This would cause moderate harm to the openness of the Green Belt.
16. I conclude therefore that the proposal would have an unacceptably adverse effect on the openness of the Green Belt. This would conflict with Policy P2 of the LPSS, and the Framework, which each seek to preserve the openness of the Green Belt.

The Conservation Area

17. The site lies at the northern edge of the Conservation Area. The significance of the Conservation Area lies in its collection of vernacular buildings, which include in particular a number timber framed designs, and the open rural character of the historic layout, which is both sparse and informal in character.
18. As the existing buildings on site do not contribute to the significance of the Conservation Area, their loss would cause no harm.
19. The size of the replacement dwelling would be comparable to some others within the Conservation Area, and the building could be constructed to a high specification. The Arts and Crafts design would however be far more 'suburban' in character, than it would be reflective of the rural local vernacular, notwithstanding the examples quoted. In this regard I consider that the architectural design of the replacement building would, on balance, have a neutral rather than enhance effect on the Conservation Area.
20. The building would be dug-in. This is not an obvious characteristic of existing development within the Conservation Area. Indeed, buildings appear to be generally located in positions where ground levels would not require digging-in, and this may therefore have partly influenced the dispersed pattern of historic development seen around the Conservation Area. The excavation of a platform on which to construct the proposed dwelling would as such be uncharacteristic.
21. The position of the dwelling relative to external viewpoints would mean that this digging-in might not be apparent from outside the plot. I acknowledge that

particular weight appears to have been placed on the visibility within the Council's pre-application advice. Limited visibility would not however alter the fact that the dwelling was dug-in. Whilst the effect of digging-in on the appearance of the Conservation Area might therefore be limited, it would nonetheless remain at odds with the character of development within the Conservation Area. This would indeed be appreciable to anyone entering the site.

22. Mindful of the duty imposed by s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), I find therefore that the development would not preserve or enhance the character or appearance of the Conservation Area overall, and would thus cause less than substantial harm to its significance. Having regard to the considerable importance and weight to be given to the statutory objective of the preservation or enhancement of conservation areas, I attach considerable importance and weight to the harm that would arise. In this case the very limited public benefit attaching to the provision of a more energy efficient replacement building would be insufficient to outweigh the harm that would be caused to the Conservation Area.
23. I therefore conclude that the development would conflict with Policy D1 of the LPSS, which amongst other things requires the design of all new development to respond to distinctive local character, Policy D3 of the LPSS, which seeks to conserve and enhance the historic environment; and Policy G5 of the LP03, which seeks to achieve high quality design.

Other considerations

24. The current appeal follows a previous appeal related to a similar proposal on the site, reference APP/Y3615/W/16/3156699 (the previous appeal). The appellants have provided figures which show a reduction in the dimensions and volume of the replacement dwelling now proposed relative to that considered in the previous appeal, and also notes a reduction in the extent of excavation. Though the matters in both the previous appeal and the current appeal are similar, it is nonetheless the case that the most relevant factor in assessing the current appeal scheme is the relationship between the dwelling proposed, and the buildings on site, as considered above. In this regard, I see no particular reason to arrive at generally different conclusions regarding harm to the Green Belt and to the Conservation Area to those of the previous Inspector. Thus the previous appeal does not lend weight in favour of the current scheme.
25. The appellants also draw attention to pre-application advice offered by the Council during the preparation of the planning application. The officer report nonetheless states that the proposal was not in accordance with that advice, and the decision to refuse planning permission was itself ultimately made by members of the Council's Planning Committee who were free to reach an independent conclusion. It is not otherwise the purpose of this decision to consider whether the Council acted unreasonably in this context. I have in any case determined the appeal scheme on its own planning merits.
26. A number of additional points have been raised by the appellants, including the lack of negative impacts on residential amenity and flora and fauna, and, as noted above, the improved energy efficiency of the replacement dwelling. As the existing development does not appear to have any negative impact on residential amenity and flora and fauna, this point does not lend weight in favour of the scheme. Furthermore, the public benefit of improved energy

efficiency through simple compliance with the Building Regulations would be very limited in scale, and not exceptional in itself.

27. The appellants have drawn my attention to a number of planning permissions granted by the Council which involved replacement buildings, or building enlargements within the Green Belt. Some of the sites are located in Littleton. I do not have full details of the cases in question, and it is therefore unclear to what extent the circumstances are similar. It is therefore also unclear to what extent the issue of consistency, highlighted by the appellants' reference to case law, is relevant. Insofar as the assessments in my reasons above have been principally informed by site specific factors however, the considerations in these cases are in any event unlikely to have been identical. As such my evaluation of the current appeal scheme is unaffected.
28. The appellants have drawn my further attention to an appeal relating to Blackheath Cottage elsewhere in the Council Area. Again I do not have full details. It is also apparent that the appeal related to detailed enforcement matters which are not relevant to the current appeal. Again therefore, my evaluation of the current appeal scheme is unaffected.
29. The site is located within the Surrey Hills Area of Outstanding Natural Beauty (the AONB). I have therefore had regard to the statutory purposes of the AONB's designation, most particularly to conserve and enhance the natural beauty of the area. In this regard paragraph 172 of the Framework, states that great weight should be given to conserving and enhancing landscape and scenic beauty within AONBs. I note that the Council has not raised any concerns, partly on the basis of the findings of the Inspector in the previous appeal. As the proposed dwelling would have a slightly more modest presence within the landscape than that considered within the previous appeal, I see no reason to reach a different conclusion. This consideration therefore attracts neutral weight.

Planning Balance and Conclusion

30. The proposed development would be inappropriate development in the Green Belt, which would furthermore erode the openness of Green Belt. These are matters to which I afford substantial weight, in addition to the considerable importance and weight I have attached to the harm that would be caused to the Conservation Area.
31. The other considerations referred to by the appellants are insufficient to outweigh the harm to the Green Belt and to the Conservation Area considered in combination. As such, harm caused by the proposal would not be clearly outweighed by other considerations, meaning that the very special circumstances necessary to justify the development do not exist.
32. No material considerations have been advanced that would justify a decision other than in accordance with the development plan, with which the appeal scheme would clearly conflict. Therefore, and taking into account all other matters raised, including the lack of objection from the Parish Council, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR