



Appeal Decision

Site visit made on 17 July 2019

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2019

Appeal Ref: APP/Y3615/D/19/3228535

Willow Pond House, The Street, West Clandon, Guildford, Surrey GU4 7SY

- 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 Philip and Mary Waldner against the decision of Guildford Borough Council.
 - The application Ref: 19/P/00195, dated 31 January 2019, was refused by notice dated 29 April 2019.
 - The development proposed is an extension in the form of a traditional period orangery, in keeping with the existing Georgian style, erected at the rear of the original 1966 building, previous 2005 extension and 2018 approved first floor extension. The proposed orangery extends just less than 4m from the rear and is just less than 11m length. The orangery appears from the outside as two rooms, one smaller than the other, each supporting a lantern roof. The larger room is wood framed, and the smaller room is brick framed. There is no impact on access, or requirement for new street or hardstandings. The goal is to add an aesthetic orangery that does not detract from the aesthetic of the original Georgian house and therefore have an aesthetic but understated visual impact from all angles. We believe that this goal has been achieved in comparison to a permitted development orangery referenced in this proposal.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reasons for refusal refer to Local Plan policies H9 and RE2 of the Guildford Borough Council Local Plan 2003. However, that plan has been superseded by the Guildford Borough Local Plan: Strategy and Sites 2015-2034. The relevant policy is now policy P2 of this adopted plan (previously referred to in the reasons for refusal as policy P2 of the emerging Local Plan). I have to take my decision based upon the current development plan and policy P2.
3. The description of development has been taken from the application form. The Council has described the proposal as the erection of a single storey rear extension and first floor rear extension, although I recognise that the first floor rear extension has extant permission.

Main Issues

4. The main issues are:

- whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
- the effect of the proposal on the openness of the Green Belt, and
- if the development is 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 the development.

Reasons

Whether inappropriate development

5. Willow Pond House is a large two storey detached house set within its own grounds and located in the open countryside. It is also within the West Clandon Conservation Area. The Council considers that the proposal would cause no harm to the character and appearance of the Conservation Area. I see no reason to disagree because the proposed extensions would be at the rear of the dwelling and largely screened from public viewpoints.
6. However, the Council considers that the proposed extensions would constitute a disproportionate addition to the house because of the uplift in floor area and additional increase in bulk to the building. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The extension of an existing building is not, however, inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. There is no definition of 'disproportionate additions' in the Framework. The 'original building' is as it existed on 1 July 1948 or, if constructed after 1948, as it was built originally. The references to the original building and disproportionate additions indicates that the cumulative effect of previous additions to the original building have to be taken into account.
7. The national policy advice in the Framework has to be read together with the relevant development plan which in this case includes the Guildford Borough Local Plan: Strategy and Sites 2015-2034. This includes policy P2 which indicates that inappropriate development will not be permitted unless very special circumstances can be demonstrated. 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. It adds that the construction of new buildings in the Green Belt will constitute inappropriate development, unless the buildings fall within the list of exceptions identified by the Framework. Development plan policy P2 is consistent with the Framework.
8. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances. When considering any planning application, local planning authorities should 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 resulting from the proposal, is clearly outweighed by other considerations.

9. Willow Pond House has previously been extended to the side at ground and first floor levels. The Council has calculated that the proposed single storey rear extension and first floor rear extension would add around 64.6 square metres of floorspace to the dwelling and with previous extensions would result in a dwelling approximately 57.8 % larger in floor area than the original dwelling. The extensions would also significantly increase the mass, bulk and volume of the dwelling. I find that the proposed extensions would result in disproportionate additions over and above the size of the original building and would constitute inappropriate development in the Green Belt.
10. The appellants have referred to several examples of other extensions to dwellings in the Green Belt which have been permitted with a greater cumulative increase in floor space than is proposed in this appeal. However, each application has to be considered on its own merits, having regard to its particular site circumstances, development plan policies and all other material considerations. The Council has no definition of what constitutes a disproportionate increase in floor space and is yet to publish supplementary guidance. However, as well as the mathematical increase in floor space other factors such as effect of extensions on the mass, bulk and volume of the dwelling have to be taken into consideration.

Effect on openness

11. The proposed first floor side extension and rear single storey extension would increase the size and bulk of the building. There would be a detrimental effect on the openness of the Green Belt, albeit limited.

Other Considerations

12. The Council granted a Certificate of Lawfulness in February 2018 for a proposed development to establish whether a rear orangery would be lawful under permitted development rights (ref: 18/P00011). Permission for the erection of a rear orangery was granted in May 2018 (ref: 18/P/00581). A separate permission for the erection of a first floor rear extension was granted in November 2018 (ref: 18/P/01825). This was subject to a S106 legal agreement binding the appellants to implementing only one of the above permissions and permitted development rights under ref: 18/P/00011. Following this latter permission and legal agreement the Council approved a further Certificate of Lawfulness in January 2019 for a rear orangery (ref: 18/P/02315). Despite the legal agreement, that approval would enable the orangery subject to the Certificate to be built as well as the permitted first floor rear extension.
13. The appellants' case is that there is now a realistic fall-back position, that the proposed orangery subject to appeal would obscure less of the original Georgian rear elevation than the orangery subject to the Certificate (ref: 18/P/02315) and that a condition should be imposed to remove Class A permitted development rights so that a planning application would be

necessary for any further proposed extensions. That fall-back proposal would involve a slightly greater increase in the size of the dwelling than the proposal in the appeal before me but would have no significant greater impact upon the Green Belt or overall appearance of the rear elevation. I therefore accord limited weight to the claimed fall-back position.

14. The concern of the Council is that if this appeal is allowed subject to a condition removing Class A permitted development rights, that restriction would only apply when the appeal proposal was implemented. Potentially, this could allow a complementary single storey rear extension to be built under permitted development rights prior to implementation of the appeal proposal. This could result in greater disproportionate additions, contrary to Green Belt policy. For this reason, I consider that a condition to remove class A permitted development rights would not be appropriate.
15. The appellant has suggested wording for a Section 106 Agreement which could restrict the use of permitted development rights to further extend the building prior to implementation of the appeal proposal, if allowed. However, I have no signed agreement before me. In any event, I find that the proposed extensions would constitute a cumulative disproportionate increase in the size of the original building. The appeal proposal would therefore conflict with Local Plan policy P2 and the Green Belt objectives of the Framework.

Conclusion

16. Substantial weight must be given to the harm to the Green Belt from the proposal by reason of inappropriateness. I find that the harm by reason of inappropriateness and limited harm to the openness of the Green Belt from the proposal is not clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. The appeal should therefore be dismissed.

Martin H Seddon

INSPECTOR