
Appeal Decision

Site visit made on 20 January 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 06 February 2020

Appeal Ref: APP/Y3615/D/19/3241271

Heather Cottage, Fox Corner, Guildford, Surrey GU3 3PP

- 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 Peter Bowles against the decision of Guildford Borough Council.
 - The application Ref 19/P/01352, dated 29 July 2019, was refused by notice dated 3 October 2019.
 - The development proposed is single storey oak framed garden room/orangery extension to side following demolition of existing conservatory.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the development is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal building is a two-storey detached property within the Green Belt. The proposal is for the demolition of the existing conservatory and the erection of a single storey oak framed garden room / orangery extension to the side elevation.

Whether the proposal would represent inappropriate development

4. The National Planning Policy Framework (the Framework) establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt unless, amongst other things, it involves the extension of a building. That is, however, provided that it does not result in disproportionate additions over and above the size of the 'original building'. In this respect, Policy P2 of the adopted Guildford Borough Local Plan: Strategy and Sites 2015-2034 (2019) (LP) conforms to the thrust of Green Belt policy in the Framework.

5. Amongst other things, Policy P2 of the LP states that, for the purpose of this policy, in regard to the extension of a building the 'original building' shall mean either the building as it existed on 1 July 1948 or, if no building existed on 1 July 1948, then the first building as it was originally built after that date. There is no dispute between the main parties that Heather Cottage existed on 1 July 1948 and that the floor space of the 'original building' was 119 square metres.
6. Policy P2 of the LP does not include criteria to indicate what would amount to a disproportionate addition, over and above the size of the original building. The Council's evidence on this matter is that when combined with previous extensions to the original building the proposed development would result in an increase in floor space of around 96%. The appellant says that the Council has made an error in their calculations in so far as the net proposed additional area has been included in the 'existing building' floor space figure once, and then twice instead of once, in the 'proposed building' floor space figure. He says, based on his calculations, that the development would result in an increase of around 77%. Even if I were to accept the appellant's calculations, they nonetheless demonstrate that the proposed extension, when combined with other additions, would lead to a substantial increase in the original size of Heather Cottage. The appellant's evidence includes volumetric calculations as another mechanism for quantifying the degree of change. The calculations presented indicate a volume increase of around 80% which would be a very large increase in the size of the original building. Additionally, the footprint of the property would be increased.
7. The appellant says that if other buildings at the appeal site, not only the existing barn building between the road and Heather Cottage but also other historic outbuildings, are included within the baseline calculations then the percentage increase as a result of the development would be significantly less than that calculated by the Council. However, I have considered the position of the existing barn building (but not the historic outbuildings as they no longer exist) and as a matter of fact and degree, I do not consider that it should be included as being part of the original building for the purposes of considering size calculations.
8. Assessing proportionality is primarily an objective test based on size. On this basis, therefore, comparing the original building in 1948 to the one that would result if the proposal were to go ahead the outcome would be a disproportionate addition over and above the size of the original building failing to accord with the exception in paragraph 145 c) of the Framework.
9. For the above reasons, I find that the proposal would amount to inappropriate development in the Green Belt and, in this regard, would conflict with Policy P2 of the LP and with the Framework.

Openness

10. Openness is an essential characteristic of the Green Belt. In that the bulk of the building would be increased by additional built form the proposal would reduce it.
11. Although the development would not be readily visible from the public domain, the openness of the Green Belt has a spatial aspect as well as a visual aspect. Thus, notwithstanding the absence of visual intrusion from the public domain

the development, as a result of the increase in the bulk of the building, would have a moderate impact on the openness of the Green Belt.

Other Considerations

12. Paragraph 143 of the Framework states that "*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*". It goes on to state that substantial weight is given to any harm to the Green Belt and 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.
13. The appellant suggests that there is potential for him to utilise permitted development rights to construct a different extension at the appeal site and that it would allow a greater footprint compared to the proposed garden room. There is limited information within the evidence regarding the detail of any such permitted development. Moreover, in any event, the evidence indicates that it does not appear to represent a realistic alternative to the proposal, particularly as the appellant says that "*positioning the Garden Room within the limits of the gable wall would require structural modifications to the existing building in the form of creating an access opening from the kitchen through the gable wall. This goes against our desire not to interfere with the size, proportioning and appearance of original openings in the structure of the original coach house*".
14. I afford the other consideration above, limited weight in the overall planning balance.

Conclusion

15. The appeal proposal would be inappropriate development in the terms set out in the Framework. This is a matter to which I afford substantial weight in the overall planning balance. In addition, there would be moderate harm caused to the openness of the Green Belt. In conclusion, the aforementioned harm would not be clearly outweighed by the other consideration so as to amount to the very special circumstances required to justify the proposal. Therefore, the appeal should be dismissed.

Andrew Bremford

INSPECTOR