
Appeal Decision

Site visit made on 22 January 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2020

Appeal Ref: APP/Y3615/D/19/3237738

Rogate, Seale Lane, Seale GU10 1LF

- 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 D Rickwood against the decision of Guildford Borough Council.
 - The application Ref 19/P/00945, dated 24 May 2019, was refused by notice dated 29 July 2019.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The appeal site is within the Green Belt and so the main issues are:
 - Whether the appeal development is inappropriate development for the purposes of the National Planning Policy Framework (the Framework);
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal 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 it.

Reasons

3. The appeal property comprises a detached, chalet-style dwelling which forms part of a loose-knit line of dwellings on the north side of Seale Lane. It lies within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV). The proposal is a single storey, flat-roofed rear extension to the kitchen/breakfast room.

Whether Inappropriate Development in the Green Belt

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in Paragraph 145. One of the exceptions cited is the extension of a building provided that it

does not result in disproportionate additions over and above the size of the 'original building'.

5. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2019 (GBLP) conforms to the thrust of national Green Belt policy in these respects. Having regard to extensions to buildings, Policy P2 confirms that the 'original building' shall mean either: a) the building as it existed on 1 July 1948; or b) if no building existed on 1 July 1948, then the first building as it was originally built after this date. The Council confirms that the current building is a replacement of a previous dwelling that existed on the site, and that permission for the existing dwelling was granted in March 2008, under planning application Ref 07/P/02690. On this basis, having regard to Policy P2, the baseline against which extensions and alterations should be measured would comprise the single storey dwelling which was replaced by the existing dwelling.
6. In respect of buildings constructed after 1 July 1948, the definition of 'original building' in the Glossary to the Framework does not expressly deal with replacements. The Officer Report confirms that the Inspector's report following the examination of the GBLP commented specifically on this matter and clarified that the incorporation of the aforementioned definition into Policy P2 confirmed the Council's position. In support of this interpretation of the definition of 'original building' the Council also refers to the definition of 'original building' in the Framework, which refers to 'a' building as it existed in 1948 rather than 'the' building that existed, suggesting that the drafter envisaged the possible replacement of the existing building.
7. Having regard to the above, and the adoption date of the GBLP (25 April 2019), which post-dates the latest version of the Framework, I attach considerable weight to the Policy P2 definition of 'original building' in the determination of this appeal. Policy P2 contains no detailed guidance about the approach that the Council will take in considering whether or not an extension is 'disproportionate'.
8. By referencing the site planning history, the Council has determined that the original dwelling was a single storey property with a total floor area of approximately 88 sqm. On this basis, given that the current dwelling has a floor area of around 155 sqm and the floor area of the proposed extension is approximately 20.3 sqm, the resulting total size of the appeal property would be about 175.3 sqm. This would represent an uplift over and above the original dwelling floorspace of around 99.2%. I have been given no reason to disagree with the Council's figures, and they are not disputed by the appellant. Based purely on this statistical measurement, I find that such a large increase in total floorspace means that the appeal development would result in an addition to the original building that would be disproportionate in the terms of Paragraph 145 of the Framework.
9. For this reason, therefore, the appeal scheme would be inappropriate development in the Green Belt, having regard to Policy P2 of the GBLP and the Framework.

Openness

10. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances. It also states that one of the essential characteristics of Green Belts is their openness.

11. Openness has a spatial as well as a visual aspect. In terms of the former, the proposal would add bulk, mass and volume to the existing building, having a footprint of around 3.5m by 5.8m and a height of about 3.1m, plus a roof lantern. As such, I find that the proposal would result in a moderate reduction in the openness of the Green Belt.
12. The proposal would be sited to the rear of the dwelling and would effectively 'square off' the rear part of the building, with a flat-roofed addition that would have a lower and less bulky roof form than that of the existing rear building projection. The size of the proposal would be subservient to that of the existing building and the extension would respect the scale of the main house. The development would be sited at the back of the dwelling and would not be visually prominent within the prevailing built context of the group of residential properties within which the appeal site sits. As such, I find that in visual terms, there would be no harm to the openness of the Green Belt.
13. The absence of visual intrusion does not mean there is no impact on the openness of the Green Belt as a result, and this does not affect the above findings on the spatial aspect of the development.

Whether Very Special Circumstances Exist

14. The appellant has drawn my attention to the neighbouring extended property at Pilgrims Rest, and considers that, in the interest of fairness, the appeal proposal should also be approved. I have not been provided with details of the planning history of that property. Notwithstanding this, the assessment of development proposals in accordance with Policy P2 of the GBLP and Chapter 13 of the Framework do not require the character of surrounding properties to be taken into account. In any event, all proposals for development must be determined on their individual merits.
15. I have taken account of the appellant's reason for requiring the proposal. Although I am sympathetic to the appellant's circumstances, bearing in mind the harm I have identified and associated policy conflict, and that the proposal is for permanent development, I afford limited weight to the appellant's family circumstances.

Conclusions

16. The appeal proposal would be inappropriate development in accordance with the terms set out in the Framework and Policy P2 of the GBLP. Furthermore, the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a moderate loss of openness to the Green Belt. These issues are not outweighed by the considerations advanced by the appellant and in the wider evidence so as to amount to very special circumstances necessary to justify the development. The proposal would therefore be contrary to the Framework and the development plan as a whole.
17. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR