



Appeal Decision

Site visit made on 11 February 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2020

Appeal Ref: APP/Y3615/W/19/3239948

The Retreat, 38 Wood Street Green, Wood Street Village GU3 3EU

- 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 Ascione against the decision of Guildford Borough Council.
 - The application Ref 19/P/01467, dated 20 August 2019, was refused by notice dated 8 October 2019.
 - The development proposed is the erection of a first-floor extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal was lodged under the householder procedure. However, during the process the Council provided evidence of a High Court Consent Order and a redetermined appeal at another site in Guildford Borough at Willow Barn¹. As this is relevant to my assessment of this appeal, I gave the appellants an opportunity to comment upon this additional evidence and have taken their response into account in reaching my decision.

Main Issue

3. The main issue in relation to the Green Belt is:
 - 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 there is harm by reason of inappropriateness, or loss of openness, would it be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

4. The Retreat is a replacement dwelling and its grounds. Whilst the appeal site is amongst the built form at the edge of Wood Street Village, it is for planning purposes outside of the village settlement boundary, within the Green Belt. The Retreat was constructed following planning permission in 2003². During construction an additional single storey lean-to was introduced at the side, west elevation, and extra accommodation was created within the roof space.

¹ Relating to Appeal Ref APP/Y3615/D/19/3225122

² Appeal Refs APP/Y3615/E/02/1101050 and APP/Y3615/A/02/1100270

The building was further extended to the rear by a single storey, pursuant to Permitted Development Rights³. It is now proposed to add a first-floor extension above the east side of this rear extension.

5. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (adopted 2019) (GBLP) states that the construction of a new building within the Green Belt is inappropriate development unless it falls within an exception listed within the National Planning Policy Framework (the Framework). The exception relevant to this proposal is that of Paragraph 145 c), which relates to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. The Framework defines 'original building' to be a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Policy P2 diverges from this wording, defining the 'original building' to be 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 this. How Policy P2 should be applied is the subject of the Consent Order relating to the appeal at Willow Barn. The Court clarified in that case that the 'original building' under the terms of Policy P2 was not that currently at Willow Barn, but a previous building present on 1 July 1948. This interpretation was carried forward within the redetermined appeal decision.
7. The differently worded definitions could imply a level of inconsistency between Policy P2 and the Framework. However, the application of national policy to local circumstances is part of the process of developing local plan policy. Indeed, Paragraph 16 of the Framework states that local policies should serve a clear purpose, avoiding unnecessary duplication, including of national policy. Policy P2 has been found to be sound through the examination of the local plan, and to meet that test it will have been considered to be broadly consistent with the Framework. I understand that a challenge to its adoption was also latterly refused by the Court.
8. Going further, Policy P2's definition of 'original building' does not preclude it from meeting the fundamental aim of national Green Belt policy to prevent urban sprawl by keeping land permanently open. Rather, it allows for Policy P2 to be applied with certainty, in a manner tailored to local conditions. Namely, as was found at Willow Barn, Policy P2 has a role in averting the creeping loss of openness through incrementally larger buildings. This could be through extensions to larger replacement buildings, of which practical examples are referenced within the evidence, and of which the appeal proposal is itself emblematic.
9. The appellants have directed me to appeal decisions⁴ and a court judgment⁵ (the Dacorum Case) which consider how to apply the term 'original building'. However, much of this evidence relates to the long superseded PPG2 which, notwithstanding any similarities in wording with the NPPF, constitutes a materially different national policy context. The appeal decisions, aside from the now redetermined appeal at Willow Barn, predate the adoption of the GBLP. On this basis, whilst I note that the Dacorum Case was referenced in the

³ Certified under Ref 12/P/01674

⁴ Appeal Refs APP/Y3615/D/16/3164254, APP/Y3615/D/10/2140577 and APP/Y3615/A/08/2070046

⁵ Dacorum Borough Council v Secretary of State for Communities and Local Government [2009] EWHC 304 (upheld on appeal: [2009] EWCA Civ 1494)

redetermined appeal decision at Willow Barn, these matters have had limited influence on my reasoning.

10. Taking all of these factors into account, I find Policy P2 to be broadly consistent with the Green Belt policy of the Framework. As planning law requires for proposals to be determined against the development plan unless material considerations indicate otherwise, Policy P2 is the starting point for my assessment of the appeal proposal. It follows that it is the previous dwelling that constitutes the original building at The Retreat, not the existing one.
11. The clearest evidence before me indicates that the original building had a floor area of 126 square metres. The extant dwelling has a floor area of about 325 square metres. This means that, with the proposed extension measuring around 24 square metres, the resultant built form would constitute a significant, approximate increase of 177% on the original building. Whilst the heights of the existing and previous dwellings are comparable, the massing of the current dwelling is more expansive, which would be exacerbated by the proposed first-floor extension. Therefore, the proposal would decisively result in disproportionate additions over and above the size of the original building.
12. Drawing my findings together on this issue, the proposal would be inappropriate development in the Green Belt. It would conflict with local and national policy to protect the Green Belt.

Openness

13. The essential characteristics of Green Belts are their openness and permanence. Openness is the absence of development and has spatial and visual aspects. The proposal, with its notably tall and steeply pitched roof, would have a significant mass and would fail to preserve the spatial openness which exists above the established rear extension. Given the perceptible presence of the east flank wall of The Retreat from the adjacent highway and the village green, and the way it is read against the sky, the visual openness of the Green Belt would also be diminished by the proposal. It follows that the openness of the Green Belt would not be preserved, albeit this would be to a modest extent.

Other considerations

14. The extension would allow for a redesign of the dwelling's interior in a manner which would allow it to better 'flow' and meet the appellant's evolving family circumstances. However, as this would be a private benefit for the occupiers, it is not a factor in the scheme's favour.
15. The site is within the Wood Street Conservation Area (the CA) to which I have a duty to pay special attention to the desirability of preserving or enhancing its character or appearance. The significance of the CA derives from its traditional properties set within a pleasant suburban environment around a village green. The proposal, by using appropriate materials and maintaining a proportionality in form to the existing dwelling, would not harm the CA's significance. However, I do not share the opinion that what is essentially a typical domestic extension would go so far as to enhance the CA. As such, this is a consideration of neutral weight. Likewise, the scheme's achievement of policy compliance in other regards, such as energy efficiency, ecology and the effect on the living conditions of neighbouring occupiers, also collectively attract neutral weight.

Green Belt Balance

16. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm by reason of inappropriateness is clearly outweighed by other considerations.
17. The scheme would amount to inappropriate development in the Green Belt in the development plan's terms, and it would also fail to preserve the openness of the Green Belt. There are no other considerations in the scheme's favour that outweigh these harms. As such, the very special circumstances necessary to justify the development do not exist.

Conclusion

18. I therefore conclude that the proposal would conflict with the development plan when read as a whole. There are no other considerations, including the Framework, which outweigh the conflict. For this reason, and taking into account all other matters raised, the appeal should be dismissed.

Matthew Jones

INSPECTOR