
Appeal Decision

Site visit made on 23 June 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2020

Appeal Ref: APP/Y3615/W/19/3242904

Pilgrim Gardens, Sandy Lane, Guildford GU3 1HF

- 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 Farquhar against the decision of Guildford Borough Council.
 - The application Ref 19/P/01673, dated 24 September 2019, was refused by notice dated 15 November 2019.
 - The development proposed is the erection of single storey side and rear extensions.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Farquhar against Guildford Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and,
 - The effect of the proposal on the openness of the Green Belt; and,
 - The effect of the proposal on the character and appearance of the building; 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 the proposal.

Reasons

Inappropriate development

4. The appeal site is located within the Green Belt. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034 (adopted April 2019) (the Local Plan) states 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. Under Paragraph 145 section c) of the

Framework an extension of a building would not be inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building.

5. Policy P2 of the Local Plan defines the 'original building' as 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 date. On this basis, the 'original building' is not the existing building, which was granted planning permission in May 1996¹, but rather the building that was replaced by the existing dwelling. The evidence before me indicates that the original building had an internal floor area of around 186 square metres.
6. Neither the Framework or Policy P2 of the Local Plan include criteria to indicate what would amount to a disproportionate addition over and above the size of the original building and an element of judgement is therefore required. Assessing proportionality is primarily an objective test based on size.
7. There is disagreement between the Council and the appellant regarding the floor area of the dwelling as a result of the proposed extensions. The Council states that it would have an internal floor area of approximately 490 square metres, which would represent an uplift over and above the original dwelling floorspace of around 163%. The appellant contends that the resultant dwelling would have an internal floor area of approximately 453 square metres. This would amount to an increase of around 143% above the original building. Even if I were to take the appellant's calculation as a lesser figure, the uplift in internal floorspace over the original building would amount to a substantial increase in size.
8. Furthermore, whilst full drawings or images of the original building are not before me, its footprint is indicated as building No 5 on the approved drawings for the 1996 planning permission. The footprint of the resultant dwelling would clearly be much larger than that of the original building. Accordingly, on the basis of the evidence before me, I find that the proposal would result in disproportionate additions over and above the size of the original building.
9. For this reason, the appeal scheme would be inappropriate development in the Green Belt, having regard to Policy P2 of the Local Plan and the Framework. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

10. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. The openness of the Green Belt has both spatial and visual aspects.
11. Whilst the vegetation on the site boundaries would screen the proposed extension in wider views, there would be some localised visibility in Sandy Lane. The proposal would increase the footprint of built form on the site and it would therefore have a greater spatial impact on openness. Consequently, notwithstanding the limited visual intrusion, the proposal would cause moderate harm to the openness of the Green Belt.

¹ Planning application reference 96/P/00063

Character and appearance

12. The property has an existing single storey element, including: a swimming pool; garden room; and double garage, which extends to the front and side of the 2 storey part of the dwelling. The proposal includes an infill extension between the garage and the swimming pool, which would have a hipped roof; and, a single storey extension to the rear of the swimming pool and the existing garden room, which would have a flat roof.
13. Whilst the proposed extensions would be single storey, the footprint of the resulting single storey front/side element would not be proportionate to the main 2 storey part of the dwelling. It would appear as a sprawling mass that would not respect the proportions of the existing dwelling. Whilst I acknowledge that the infill extension would not project beyond the outermost front and side walls of the existing single storey element, it would nevertheless create long unbroken walls that would appear bulky. This would not be mitigated through the proposed use of timber cladding. Furthermore, as a result of the significant footprint of the single storey element, it would have a roof form with various hipped and flat roof sections that would not provide a coherent appearance. Whilst the boundary vegetation would provide some screening of the proposed extension from the public domain, this does not obviate the need to achieve good design.
14. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the building. The proposal would therefore be contrary to saved Policies G5(2), G5(3), G5(4) and G5(7) of the Guildford Borough Local Plan 2003 and Policy D1 of the Local Plan, which seek high quality design in all new development. It would also be contrary to Chapter 12 of the Framework, which seeks the creation of high quality buildings and places.

Other considerations and the Green Belt balance.

15. 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 proposal would be inappropriate development in the Green Belt and would also cause moderate harm to its openness. The Framework makes clear in paragraph 144 that substantial weight should be given to such harm. Furthermore, I have found that the proposal would be harmful to the character and appearance of the building.
16. The appellant has drawn my attention to previous appeal decisions² where Inspectors have found replacement dwellings as first built to be the 'original dwelling' rather than the dwellings that were replaced. Nevertheless, these appeal decisions pre-date the adoption of the Local Plan in April 2019 and therefore carry limited weight. Policy P2 of the Local Plan provides clarity in respect of the meaning of the 'original building' and was found sound by the examining Inspector. It post-dates the latest version of the Framework and I therefore attach considerable weight to the Policy P2 definition of 'original building'. As such, on the basis of the wording in Policy P2, I am satisfied that the original building is not the existing building but rather the building that was replaced by the existing dwelling.

² Appeal references: 3201420; 3209118; 3187700; 2070892; 3163764; 2173497; and 2173497.

17. I acknowledge the appellant's reference to the exception in paragraph 145 d) of the Framework for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The appellant states that if he were to apply for the replacement of the existing house the Council would be obliged to consider a larger building. Nonetheless, the proposal before me is not for a replacement dwelling. Any such application would need to be considered against the development plan and any other material considerations.
18. The appellant states that horticultural/commercial buildings were demolished as part of the 1996 planning permission for the replacement dwelling, and that if compared with the current proposal, they would have a far greater impact on the Green Belt. Nevertheless, there is no substantive evidence before me that these buildings formed part of the 'original building', and they are no longer in situ. I therefore give this matter minimal weight.
19. Furthermore, the appellant comments that one of the previous buildings still has a concrete base, retaining walls and uprights and it is indicated that the glass could be re-instated. It is suggested that a condition to require the removal of this building in its totality would in part offset the increase in floor area proposed. There is limited information to show the size and appearance of the building as it previously stood, however the drawings for the 1996 planning permission indicate that it was a glasshouse. Such a building would be likely to appear inconspicuous and not as urbanising as domestic extensions. I therefore give this consideration limited weight.
20. The appeal site is located within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and the officer's report states that as the proposed extension would not extend beyond the existing side elevation it would not appear prominently larger than the existing building when viewed from a distance. I see no reason to take a different view. Accordingly, the proposal would not be harmful to the character and appearance of the AONB. However, the absence of harm in this respect weighs neutrally in the balance.
21. The other considerations identified in support of the scheme do not clearly outweigh the harm to the Green Belt and the harm to the character and appearance of the building. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to the Framework and Policy P2 of the Local Plan which seek to protect the Green Belt.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR