

Appeal Decision

Site visit made on 1 October 2020

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2020

Appeal Ref: APP/Y3615/D/20/3250613
Oakdene, 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 John and Charlotte Lane against the decision of Guildford Borough Council.
 - The application Ref 20/P/00214, dated 4 February 2020, was refused by notice dated 1 April 2020.
 - The development proposed is the erection of a new porch, internal alterations, two-storey side extension and single-storey rear extension.
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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 having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to privacy.

Reasons

3. The appeal relates to a semi-detached, two-storey dwelling within a ribbon of residential development to the north side of Seale Lane. It lies within the Green Belt, the Surrey Hills Area of Outstanding Natural Beauty (AONB), and an Area of Great Landscape Value (AGLV). The property has a detached garage to the side. The proposal is to erect a two-storey side extension and a single-storey rear extension across the full width of the extended building, with the portion to the rear of the new side extension open sided for use as a barbecue area and a roof terrace above to be accessed from a new first floor bedroom.

Whether the proposal would be inappropriate development in the Green Belt

4. 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. Paragraph 145 states, amongst other things, that the extension of an existing building is not inappropriate 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 2015-2034, adopted in 2019 (GBLP) states that the Green Belt will be protected against inappropriate development in accordance with the Framework. It 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.
6. Neither the Framework nor the development plan defines what would constitute a disproportionate addition to an original building. The officer's report states that for the purposes of extensions to a building the GBLP identifies that domestic outbuildings should be considered as extensions and that as such original outbuildings would also be considered as part of the original building. Both the Council and the appellants have provided very basic floorspace calculations for the 'original building' and the proposed. These differ wildly and neither is evidence based. The appellants claim the original footprint of the dwelling, including the garage was 166.4sqm. The Council claims it was 114.2sqm. From simply adding the stated figures on the application drawings the uplift in floorspace appears to correlate approximately to the additional 56.6sqm that is claimed by the appellants. This is lower than the Council's alleged uplift from the original, which they give as roughly 76sqm taken from the officer's report (190.17sqm minus 119.3sqm). The alleged percentage increase in floorspace ranges from 34% according to the appellants to 66.5% according to the Council.
7. Without any clear and unambiguous figures that are evidence based, my view is that the true percentage uplift in terms of floorspace is probably somewhere mid-way between the two. However, there are many different ways of assessing and measuring 'proportionality'. The Framework refers to 'size' and as a consequence it is necessary also to look at the overall increase in terms of volume, external dimensions, and bulk, as well as floorspace.
8. The side extension would be roughly half the width of the existing dwelling and it would be recessed behind the front wall of the original building and its roof would be lower. Its proportions would be obviously subservient to the original building. The rear extension would be modest in depth, at only just over 2.6m, and would also appear well-proportioned in relation to the original dwelling. The porch would be equally modest. When seen in the round, my overall impression, regardless of the actual percentage increase in floorspace, is that the sum total of the proposed extensions would be appropriately in scale with the original building and not disproportionate in size. For this reason, I find that the proposal would not amount to inappropriate development within the Green Belt. There would therefore be no conflict with GBLP Policy P2 or with the Framework in this regard. Impact on openness is implicitly considered in exception c) listed at paragraph 145 where the effect of the development on

openness is not expressly stated as a determinative factor in gauging inappropriateness. There is therefore no requirement for me to further assess the impact of the development on the openness of the Green Belt.

The effect of the proposal on the character and appearance of the area

9. The Council accepts that the proposal would not have any significant impact on the special qualities of the AONB and AGLV. Given the residential character of Seale Lane at this point I do not disagree. They are concerned however that the canopy proposed to the rear of the two-storey side extension would result in an unusual and unsatisfactory roof form when viewed from the side.
10. I agree that the roof projection over part of the rear roof terrace may be unusual, but the canopy would appear fully integrated with the roof over the extension, which in turn would be consistent and sympathetic with the roof to the existing dwelling in terms of shape, slope and materials. The canopy roof would simply mimic a typical gabled projection. Moreover, the street scene generally is characterised by a mix of building styles and roof profiles such that the appeal proposal would be neither intrusive nor out of keeping. I therefore find no conflict with GBLP Policy D1, which deals with the quality of design and respect for local distinctiveness. Neither do I consider there to be any conflict with the aims and objectives of the Council's *Residential Extensions and Alterations Supplementary Planning Document 2018*.

The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to privacy

11. The first-floor roof terrace would be accessed from triple width glazed doors leading from a new bedroom. It would be large enough to be used as an outside seating and social area. Due to the width of the plot and the separation distance to the boundary with Kingswood to the west, any outlook towards and over this neighbouring property would be from a distance and largely directed to the bottom half of the garden where levels of privacy are already compromised, to a degree, through natural overlooking that occurs from rear first floor windows of neighbouring properties.
12. The terrace would be considerably nearer the garden space immediately to the rear of the attached property at Birchwood and where levels of privacy are reasonably expected to be higher. Access onto the terrace would allow sight into the neighbours' garden from an elevated position. The potential for overlooking from prolonged periods of use of the terrace, and at times when neighbours may equally choose to use their outdoor space, would be significant.
13. I note that the appellants have offered to agree to a Juliet style balcony as an alternative or for obscure glazed side fins to be erected to the balcony area. However, in both of those instances the works would materially change the proposal that is before me. It would not therefore be appropriate to secure any such changes by condition.
14. Overall, I find that the proposal would be unneighbourly by failing to protect the privacy enjoyed by the neighbouring occupants. This would be contrary to saved Policy G1(3) of the Guildford Borough Local Plan Adopted January 2003.

Other matters

15.I have noted further concerns from the neighbour with respect to daylighting, but I share the Council's view that due to the modest, single-storey proportions of the rear extension there would be no significant impact in this regard.

16.I appreciate that the application had some levels of support, but this does not alter my findings.

Conclusion

17.For the reasons given, I find that the proposal would not be inappropriate development in the Green Belt. I also find that there would be no harm to the character or appearance of the area. However, use of the first-floor roof terrace would harm the living conditions at Birchwood. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR