

Appeal Decision

Site visit made on 5 November 2020

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020.

Appeal Ref: APP/R3650/D/20/3248735

West Ridge, Primrose Way, Bramley, Guildford, GU5 0BZ

- 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 Glover against the decision of Waverley Borough Council.
 - The application Ref WA/2019/2091, dated 12 December 2019, was refused by notice dated 13 February 2020.
 - The development proposed is the erection of a single storey extension.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs has been made by the Appellant against Waverley Borough Council. This application is the subject of a separate decision.

Main Issues

3. I consider the main issues are:-
 - Whether the proposal constitutes an inappropriate form of development within the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy.
 - The effect of the development on the openness of the Green Belt.
 - If the development is inappropriate to the Green Belt for the purposes of the Framework and development plan policy, whether the harm by reason of that inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to exist to justify the development.

Reasons

4. The appeal property is a detached bungalow with a substantial well landscaped garden. It is one of a number of generously spaced dwellings on Primrose Way which lies within countryside on the outskirts of Bramley and outside any defined settlement boundary.
 5. The appeal proposal is as described above and would provide for a study within the existing structure and a new master bedroom within the proposed extension.
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Whether the proposal is inappropriate development

6. 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 extension of an existing building is not, however, inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. There is no definition of 'disproportionate additions' in the Framework.
7. The national policy advice has to be read together with the relevant development plan policy which in this case includes Policy RE2 of the Waverley Borough Local Plan (Part 1) 2018 and retained Policy RD2 of the Local Plan 2002. These policies align with the Framework; the former seeking to control inappropriate development generally and the latter more specifically aiming to prevent disproportionate additions. Supporting text to retained Policy RD2 indicates that as a guideline, a proposal which individually or cumulatively increases the floorspace of the original dwelling by more than 40% will likely be deemed disproportionate although effects on rural character will also be a consideration. The point is made that to permit a significant increase in the size of dwellings merely because they are sited on large plots would undermine the objectives of safeguarding the openness of the Green Belt and the character of the countryside.
8. The Council puts forward a figure of some 87% uplift for the cumulative floor area increase of previous works to the original home when one adds the appeal scheme. On the Council's figures, which are not disputed by the Appellants and on which I have no reason to argue, the appeal scheme would take things to about this 87% figure from extensions already some 68% over the original scale; the appeal proposal would be an addition of about 30 square metres. Even allowing for the subordinate nature of proposed extension work or the fact that one could measure volume or use other comparisons, with a change from an original home of about 163 sqm to the proposal now leading to about 304 sqm, I find it impossible to reach a view other than there would be a failure of the 'disproportionate additions' test.
9. On the first issue, I therefore conclude that this proposal would represent inappropriate development for the purposes of the Framework and would run contrary to development plan policies cited above; it would result in disproportionate additions over and above the size of the original building. I attach substantial weight to the harm caused by this scheme representing inappropriate development.

Effect on Openness

10. The Framework makes it clear that an essential characteristic of Green Belts is their openness. Open can mean the absence of development irrespective of the degree of visibility of the land in question from public vantage points; development which would harm openness could be acceptable visually. In other words, openness of the Green Belt has a spatial aspect as well as a visual aspect and the absence of visual intrusion, or the presence of screening, does not in itself mean that there is no impact on the openness of the Green Belt as a result of development. In this case the proposal would involve the addition of considerable built form. The change over the existing situation would be appreciable and the scheme would make a marked difference to openness within this area.

11. I conclude that there would be conflict with a key objective of the Framework and the development plan and I attach substantial weight to this impact upon openness of the Green Belt.

Other considerations

12. The application the subject of this appeal was submitted following an earlier submission for a Certificate of Lawfulness for an extension which was approved by the Council under ref WA/2019/1479. This was in relation to a single storey rear extension on the west elevation of the property which would increase living room area. The floor area is the same as the appeal proposal and the Appellants indicate that if the appeal were to be allowed a planning condition preventing the construction of WA/2019/1479 would be acceptable. The case is made that this approved scheme would form a realistic fall back position and that a substitution should consequently be allowed. Further reasoning for this from the Appellants' perspective is the argument that the approved scheme would be more impactful upon the openness of the Green Belt because of its more imposing nature and particular positioning.
13. Notwithstanding the existence of the Certificate of Lawfulness I am not convinced that this would fit into a 'realistic fallback' definition. Not least because I note that the Appellants say their requirements have changed and I see that the appeal proposals would offer very different internal and external accommodation and arrangements. Furthermore to my mind the Certificate of Lawfulness has a somewhat contrived appearance in its relationship to the proximate east west wall and effective blocking of a window presently offering a front door / hall vista to the garden.
14. I find the matter of more or less impact on the openness of the Green Belt between the two schemes to be something of a red herring given my explanation of assessing openness in paragraph 10 above. If I had to make a call I would agree with the Council that the appeal scheme, with its more pronounced outward extension to the building's envelope, could perhaps be said to have greater impingement on openness and character.
15. I would add that the tests on a Certificate of Lawfulness scheme are not Green Belt policy based; I have a planning application appeal before me to determine on its appropriate basis.
16. I recognise that there are no other concerns beyond the main issues raised by the Council, or on my part, on environmental, amenity or technical matters.
17. I would give each of the considerations put forward by the Appellants limited weight.

Balance and conclusions

18. In accordance with the terms of the Framework, the proposed development would represent an inappropriate form of development in the Green Belt. The Framework requires that substantial weight must be attributed to harm by way of inappropriateness to the Green Belt. Additionally, I have found above that the proposal would be unacceptably harmful to the openness of the Green Belt and this also carries substantial weight.
19. Whilst I have afforded weight in the planning balance to the other considerations raised in support of the development these, either individually

or taken together, do not clearly outweigh the harm to the Green Belt and its openness which I have identified. Therefore, very special circumstances do not exist and permission should not be granted as the proposal is contrary to guidance in the Framework.

Overall conclusion

20. My overall conclusion is that the proposal would not accord with the pertinent elements of the Framework and the development plan. The appeal should therefore fail.

D Cramond

INSPECTOR