

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/Y3615/D/20/3254500

Longacre, Guildford Road, Effingham, Leatherhead, KT24 5QF

- 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 Ms Natalia Kaygoradtseva against the decision of Guildford Borough Council.
 - The application Ref 20/P/00527, dated 23 March 2020, was refused by notice dated 27 May 2020.
 - The development proposed is a single storey side extension and roof extension including dormer window to front elevation and two dormer windows to rear elevation.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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

3. The appeal property is a detached chalet bungalow adjoining open countryside with a relatively generous plot and at the end of a row of residential properties which lie outside any settlement boundary. The proposal is as described above.

Whether the proposal is inappropriate development

4. 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.
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5. The national policy advice has to be read together with the relevant development plan policy which in this case includes Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LP). This policy draws fully on the Framework's stance. It gives no definition of 'disproportionate additions'. No specified percentage increases or extension sizes or measurement methodology are set out as potentially being deemed as acceptable; this is a subjective exercise.
6. The Council puts forward a figure of some 118% uplift for the cumulative external 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 Appellant and on which I have no reason to argue, the appeal scheme would take things to the 118% figure from extensions already 85% over the original scale; the appeal proposal would be an addition of about 40 square metres. Even allowing for the fragmentation of the proposed extension work or the fact that one could measure volume or use other comparisons, with a change from an original home of about 120 sqm to the proposal now leading to about 262 sqm, I find it impossible to reach a view other than there would be a failure of the 'disproportionate additions' test.
7. 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 LP Policy P2; 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

8. 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.
9. 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

10. The Appellant seeks to draw upon an allowed appeal decision (APP/Y3615/D/18/3200697) relating to the adjoining property and I have carefully considered that case. I find the proposals to be different in scale and nature and the local policy background to be at some variance from the present position. Replication is not appropriate and in any event I have to consider the scheme before me on its own merits.
11. I recognise that the scheme is made up of a sum of (smaller) parts nevertheless I need to make an assessment on the 'disproportionate

additions' test and in this instance I feel it reasonable to adopt a cumulative approach. The building would grow in a number of directions.

12. I recognise that some existing space protuberances would be removed and roof height not increased but I do not find these points sufficient to mitigate the harm I have identified.
13. The proposition that the now defunct 2013 planning permission for extension work should be an allowance is made. However I see this neither as a fall-back or as something which is of significance given its age, lack of present validity, physical variation and different planning policy context.
14. 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.
15. I would give each of the considerations put forward by the Appellant limited weight.

Balance and conclusions

16. 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.
17. 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

18. 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