
Appeal Decision

Site visit made on 9 December 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2021

Appeal Ref: APP/R3650/W/20/3255064

Hambledon Lodge, Vann Lane, Hambledon, Godalming, Surrey GU8 4HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Hale against Waverley Borough Council.
 - The application Ref WA/2019/1985, is dated 14 November 2019.
 - The development proposed is the demolition of existing dwelling (retention of 2no primary facades) and construction of replacement single family dwelling incorporating rebuilding of original Lodge, alongside construction of ancillary buildings including car port and stables.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal results from the Council's failure to determine the planning application within the statutory period. Although there is no formal decision from the Council it has considered the proposals and indicated that had it been in a position to determine the application it would have refused permission. The Council has set out several reasons why it would have refused permission, which are set out in the main issues below. From this, I also assume that there is no dispute between the Council and appellant on any of the other aspects of the proposal.

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 and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area, particularly including the effect on the designated Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV).

- The effect on the character, significance and special qualities of the Hambledon Conservation Area (CA) and the undesignated heritage asset of Hambledon Lodge.
- The potential effect to an adjacent mature oak tree.
- The effect of the development on highway safety.
- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate in the Green Belt

4. The appeal site is situated in the Green Belt. Paragraph 145 of the National Planning Policy Framework (the Framework) indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
5. Paragraph 133 of the Framework makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics, such as its openness. Paragraph 143 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings are to be regarded as inappropriate development, subject to a number of express exceptions outlined in paragraph 145. This includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces (Paragraph 145 d).
6. Only relatively minor elements of the existing dwelling would remain with the appellant stating that this is a proposal for a replacement dwelling, rather than extensions to existing. Given the proposals I would agree that this is essentially a replacement dwelling proposal. As is clear from the comparison between the existing and proposed plans and drawings, the proposed replacement dwelling would result in a significantly larger building than existing. The appellant also confirms that the proposal would result in a building visibly larger in bulk, ridge height and eaves height. There would also be the addition of the proposed car port, which whilst an ancillary modest sized structure, would be an additional new building in the Green Belt. As such, I conclude that the proposal would result in replacement buildings that are materially larger than existing.
7. On this basis, the proposed replacement dwelling would not meet with any of the exceptions in the Framework (paragraph 145) and so would be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. In terms of local policy, there is saved policy RD2A of the Waverley Borough Local Plan 2002, which relates to replacement dwelling proposals in the Green Belt and open countryside. Although this policy precedes the Framework it does state that in the Green Belt replacement dwellings should not be materially larger than the dwelling it replaces, which is in general conformity with the Framework. It also gives the 'guideline' that proposals which would involve an increase in floorspace of more than 10% are likely to be regarded as 'materially larger' than existing. However, whilst this is only a guideline the proposal

would result in a replacement dwelling that would far exceed 10% and one that I would regard as being very clearly materially larger than existing. As such, the proposal would conflict with this policy of the Local Plan 2002.

9. The appellant has also drawn my attention to another saved policy of the Local Plan 2002 which is RD2, which refers to extensions to dwellings in the Green Belt or countryside. This policy requires that extensions are not disproportionate to the original dwelling, The supporting text (11.28 v) states that a proposal which individually or cumulatively increases the floorspace of the original dwelling by more than 40% will be unlikely to satisfy the requirement that extensions are not disproportionate in scale.
10. Whilst policy RD2 is noted, this is a proposal for a replacement dwelling and not extensions, as previously explained. As such, I do not regard this policy as directly relevant. Therefore, I do not regard it appropriate to combine the 10% stated in policy RD2A and the 40% in RD2 to allow for an overall 50% increase in size of a replacement dwelling in the Green Belt. Furthermore, it is my view that such an increase would unlikely be in accordance with the Framework, which requires that replacement buildings in the Green Belt are not materially larger. It is also important to note that the 40% mentioned in policy RD2 is not a definite allowance in all circumstances, as it does not state that all extensions of less than 40% increase would be acceptable. Therefore, the Council could consider that future extensions proposed for this replacement dwelling should be less than 40% to meet with the aims and objectives of the Green Belt designation.
11. As such, I regard this policy as not applicable to this proposal and arguments that a replacement dwelling of up to 50% larger than existing as being in accordance with the Local Plan as not persuasive. Even if there was a condition or legal agreement preventing further additions in the future when built, this would not overcome this issue. To my mind, an increase of 40 or 50% in this case would result in a materially larger dwelling. Therefore, the proposed development would be an inappropriate development in the Green Belt.
12. A consideration of the very special circumstances put forward by the appellant will be considered in the later 'Green Belt Balance'.
13. On the issue of the Green Belt, I note that the Council does not state that the stable block is inappropriate development in the Green Belt as it would be a facility for outdoor recreation and would not harm the openness. However, this aspect of the proposal is still considered as to its visual impact as set out in the relevant issues further below.

Effect of the development on the openness of the Green Belt

14. Openness is an essential characteristic of the Green Belt. The proposed replacement house and carport would increase the overall size of built form from the existing or original size of dwelling and would result in buildings covering a greater area of the plot, including where there is no building currently. Much of the replacement dwelling would also be of greater height than the Lodge. As such the development would diminish the openness of this part of the Green Belt, although in isolation the loss of openness would be modest.

15. The fact that the plot is spacious does not significantly weigh against the loss of openness as a result of the proposed replacement dwelling. The largely open plot currently contributes positively to the openness of the area. Furthermore, whilst much of the development may be quite well screened from views from outside of the site by mature trees and hedges, there would still likely be some partial views of the larger house proposed from public areas, and therefore its effect on openness would be evident.
16. The proposed development would therefore also conflict with national and local policy to protect the openness of the Green Belt.

Visual Impact, including the effect on the Surrey Hills AONB and AGLV

17. Whilst I have concluded that the proposal would be inappropriate to the Green Belt with a loss of openness, this does not mean that the design and the visual impact within its setting is harmful in some way. The quality of design will be considered also in the later 'Green Belt balance', but in this section I am focussed on the visual impact of the development and not on the Green Belt impact.
18. As explained above, the proposal would effectively be a replacement dwelling, with just some facades of the original dwelling to remain. These elevations are architecturally of good quality which reflects the historic vernacular of the area. Therefore, retaining these elevations would be beneficial.
19. The substantial new elements proposed would be of good quality contemporary architecture, with what appears to be appropriate materials. Although a modern architectural style it complements the older facades well, with a visually lightweight glazed link between these two different aspects. The new elements would be larger than the 'Lodge', but this itself is to be largely rebuilt, and I see no reason why the more contemporary section should be visually subservient to the rebuilt Lodge to result in a suitable overall design.
20. Effectively, the Lodge is being replaced and what is proposed is a singular new dwelling, albeit with some older facades to one corner. The glazed section provides an appropriate visual break between the rebuilt Lodge and the new contemporary sections of the proposed dwelling. This should avoid the larger section dwarfing the Lodge visually.
21. The glazed link itself is of a suitable design, although its flat roof would be higher than the Lodge eaves. However, this is a minor element which would not have a harmful effect to the overall design and appearance of that proposed. Furthermore, the other aspects of the design, such as the chimneys and protruding flat roof oak frame sections do not undermine the design, whilst offering some additional visual interest to the proposal.
22. The proposed stable block does not appear over-scaled and such stables are a typical feature of this rural area. The Council have raised concern over the lack of grazing land and that this could lead to a conversion to ancillary residential in the future. However, there is no substantive evidence that there would be a lack of grazing land or that a conversion to an annex type use would necessarily occur in the future.
23. The result of the development would be a large dwelling, although this is a sizable plot that would not be overdeveloped by the replacement house, even combined with the stable and car port. There are other examples in the area I

observed of large houses in spacious plots and so this would not be out of keeping with this characteristic. It would be much more prominent when viewed from Vann Lane than the existing Lodge, but not to a degree that it would detract from the pleasant rural character of this road.

24. The replacement dwelling would not overdevelop the site. It would also be viewed within the context of an existing small village with other dwellings in close to the site. In such a setting, the enlarged replacement dwelling would not result in any adverse impact to the wider landscape character. Therefore, the proposal would have no harmful impact to the scenic beauty of the AONB and AGLV, which would have their qualities conserved.
25. In this context and considering the quality of the design the proposal would not result in harm to the visual amenities of this rural village or its AONB/AGLV landscape. I therefore conclude on this main issue that the proposed development be of a suitable design and scale, with appropriate proportions, and would accord with policies RE3 (Landscape Character) and TD1 of the Local Plan (Part 1) 2018, and retained Policies RD1, D1 and D4 of the Local Plan 2002. These policies required development to protect and enhance the Surrey Hills AONB and AGLV, be of a high quality design, amongst other things.
26. The proposal is also in broad accordance with the Surrey Hills AONB Management Plan, including its planning management policies P1, P2 and P3, which relate to the need for development to respect the special landscape character, for instance.

Heritage Assets

27. The site is also within the Hambledon CA. This is a historic village, as explained in the Council's Statement of Case. This is where the significance of this historic asset is primarily derived. I would also note the dispersed character of the village, with some fine buildings, within an attractive rural setting.
28. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions. The Framework also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
29. The existing Lodge is an historic building and even with some unsympathetic additions is considered an undesignated heritage asset. In keeping the facades of the original lodge, the Council consider that the proposal recognises the significance of the village history in the development. It is my conclusion that this is reasonable and the rebuilding of the Lodge, other than the facades to remain, would ensure that the character and qualities of the original building within the CA continues to have a positive impact. The most important elements of the undesignated heritage asset will remain and therefore the significance of this building is preserved.
30. The proposed new contemporary elements would be larger than the Lodge, but as explained above they would be visually separated by a glazed link and in

doing so would not result in the rebuilt Lodge being dominated. It would become a distinct element of a larger dwelling, where the older and more contemporary aspects would be sympathetically linked. As such, the rebuilt Lodge would not have its historical value and positive traditional design eroded by the larger contemporary new section proposed.

31. Whilst a large dwelling, which would be prominent from Vann Lane, it is not uncommon for there to be large dwellings in this area. The design quality would also mean that even when viewed it would not have a negative impact to the street scene setting. Therefore, the design, proportions and materials as proposed are of suitable quality to the extent that the Vann Lane views, and the general character and significance of the CA, would be preserved.
32. As such, there would not be any harm to heritage assets and so justification against public benefits are not required, as set out in the Framework. The proposal would conserve the heritage assets and therefore would be in accordance with policy HA1 of the Local Plan (Part 1) 2018 and the retained policy HE8 of the Local Plan 2002. These policies require that developments ensure that the significance of heritage assets, such as Conservation Areas, are conserved or enhanced, and that proposed designs are in harmony with the characteristic form of the area and surrounding buildings, for example.

Impact to a significant tree

33. The proposed development, particularly the car port, is adjacent to a mature oak in a prominent position near Vann Lane. I would agree that this tree contributes positively to the area and the verdant character of the CA. It would also likely have some positive biodiversity aspects.
34. The Council state that there has been works undertaken with hardstanding installed seemingly without planning permission which may have harmed the future health of this tree. This has been denied by the appellant. In any case, my focus is on how the proposed development would impact the tree.
35. The appellant has included an Arboricultural Impact Assessment and Method Statement which addresses the issue of the proposed car parking beneath the tree's crown. This shows the proposed tree protection and other measures to conclude that if "the recommendations laid out in this report are followed, the proposals will not detrimentally affect the Oak" (10.2).
36. Indeed, it does appear that cars have used the area near the base of the oak to park for some time, with some compaction of the soil likely. From the evidence before me, the car port itself is unlikely to have much, if any, impact to the Oak roots. As such, subject to incorporating the protection and the measures recommended in the Arboricultural Impact Assessment and Method Statement harm to this important tree as a result of the proposed development can be avoided. In this respect, the proposal is in accordance with policies D1, D4, D7 and HE8 of the Local Plan 2002, and policies TD1, HA1, NE1 and NE2 of the Local Plan Part 1 2018. These policies require development to protect attractive landscape features and provide for long term retention of important trees, amongst other things.

Highway Impacts

37. The development proposes to use the existing access off Vann Lane. Vehicles would likely park within the car port, where there is a current area which appears to have been used for parking. Though the proposal would result in a larger dwelling it is not likely that the development would result in an increase in intensification of use of this access.
38. The proposal does include a track to the northern side of the dwelling to access the proposed stables. Although the lane does appear wide enough for a vehicle, this is not the intended use according to the appellant, who is seeking to use it for access for horses primarily. Furthermore, with a new car port proposed to the opposite side of the access then I would not consider it probable that this would be used for a vehicular access. Therefore, I do not regard this aspect of the proposal as resulting in harm to highway safety levels around this main existing access. Furthermore, there does not appear to be any new walls or other forms of enclosure proposed with this scheme that would significantly affect visibility or have had a bearing on existing highway safety levels.
39. Overall, on this issue, there would be no harm to highway safety and the proposal would be in accordance with policy ST1 of the Local Plan (Part 1) 2018. This policy requires development to make appropriate provision for car parking, amongst other things.

Other Considerations

40. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
41. The proposed house would be of an innovative modern design, which I regard as being of good quality, reflecting some of the 'Arts and Crafts' characteristics, but with a contemporary approach. The use of materials also appears well thought through to reflect the local characteristics and styles where possible. However, its design would not be architecturally truly outstanding and/or innovative, as referred to in paragraph 131 of the Framework. However, I give this matter of the design quality modest weight.
42. As discussed above, Hambledon Lodge does positively contribute towards the CA and has been identified as a non-designated heritage asset. There have been extensions to the Lodge which are not particularly sensitive, whereas the proposal would seek to rebuild the Lodge to a design closer to the original building. This includes preserving some original elements of the Lodge. There is some benefit in this, particularly to the CA. However, the Lodge currently contributes positively to the CA in my opinion, even with the later additions which are generally less prominent. The benefits to heritage assets, I would conclude therefore, would be modest.
43. As described above, I do not accept the appellant's argument that the proposal is in accordance with Local Plan policy through combining the 10% and 40% increase allowances over an original building, as described by policies RD2 and RD2A of the Waverley Local Plan to produce one cohesive integrated scheme. The proposal is contrary to the Local Plan as the replacement dwelling would be significantly and materially larger than the existing.

44. I acknowledge that the existing Lodge building is old and does not meet with all Building Regulation standards. This would result in some loss of accommodation at the Lodge from the existing provision. I also recognise that the glazed link would not provide accommodation being mainly a walkway through between sections of the proposed replacement house. The proposed development would help address some of the issues with modernising the Lodge and provide additional accommodation. However, whilst all these issues are noted, these matters could be addressed without resulting in a replacement dwelling that is materially larger than the existing to the extent proposed in this case. I give this matter modest weight.

Green Belt Balance – Very Special Circumstances

45. Whilst I acknowledge that the proposal would not have an adverse effect on some of the Green Belt objectives set out in the Framework, such as preventing urban sprawl for example, I have found that the proposed development would be inappropriate development which the Framework states is, by definition, harmful to the Green Belt. In addition, there would be modest harm arising from a loss of openness due to the significantly greater scale of the replacement dwelling. This is harm which the Framework advises should be given substantial weight when assessing proposals.
46. Cumulatively, the other considerations put forward in favour of the proposed development, such as the enhanced revealing of the rebuilt Lodge and the design quality, have only modest weight. They do not clearly outweigh the totality of harm to the Green Belt. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist, as set out in the Framework.
47. Furthermore, the development as proposed would also fail to accord with policy RE2 of the Waverley Local Plan Part 1: Strategic Policies and Sites (2018), along with retained policy RD2A of the Local Plan 2002, which, amongst other things, seek to restrict development in the Green Belt, including materially larger replacement dwellings in the Green Belt, although allowing for a consideration of very special circumstances. It would also fail to comply with the policies of the Framework, specifically Section 13 which aims to protect Green Belt land.
48. Whilst I do not have substantive information regarding the housing land supply position for the Council, as I have found the development to conflict with the Framework with regards to the Green Belt and is a clear reason for refusal, the tilted balance under paragraph 11 of the Framework is not engaged.

Conclusion

49. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Steven Rennie

INSPECTOR