



Appeal Decision

Site visit made on 5 January 2021 by Alex O'Doherty LLB(Hons) MSc MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2021

Appeal Ref: APP/Y3615/D/20/3258126

Hillrise, Orestan Lane, Effingham, Leatherhead KT24 5SN

- 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 Mrs N Moutih against the decision of Guildford Borough Council.
 - The application Ref 20/P/00605, dated 2 April 2020, was refused by notice dated 3 June 2020.
 - The development proposed is described as, "Single Storey Rear Extension and insertion of Roof Lights".
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for Costs

3. The appellant made an application for costs. This application for costs has been dealt with in a separate decision.

Procedural Matter

4. On request, the Council provided the full planning history for the site. This factual information was copied to the appellant. This information has been taken account of in the determination of this appeal.

Main Issues

5. The appeal site is located within the Green Belt. Thus, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - 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 it.

Reasons for the Recommendation

Whether inappropriate development

6. The Framework establishes that the construction of new buildings within the Green Belt is inappropriate. There are however a limited number of exceptions to this, as set out in paragraph 145 of the Framework. The relevant one to this proposal is c) which relates to the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building. Policy P2 of the Guildford borough Local Plan: strategy and sites 2015 – 2034 (adopted 2019) ('Local Plan') is broadly consistent with the Framework in that it 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.
7. Local Plan Policy P2 also seeks to safeguard the five purposes of the Green Belt, including the Green Belt's purpose with respect to safeguarding the countryside from encroachment, along with its essential characteristics of openness and permanence.
8. Policy P2 differs from the Framework in that under the heading 'extensions or alterations' it provides that, "... the 'original building' shall mean either: i. the building as it existed on 1 July 1948; or ii. if no building existed on 1 July 1948, then the first building as it was originally built after this date...". Considering that the Local Plan was adopted after the publication of the February 2019 version of the Framework, and that the current definition of 'original building' has been present in the text of the Framework since 2012, and in the absence of evidence to indicate otherwise, I consider that the differences in the definition are intentional.
9. The planning history indicates that prior to 1977 a bungalow of timber and asbestos construction was present on site ('Building A'). That bungalow was demolished and replaced with a chalet bungalow ('Building B'). Building B was subsequently demolished and replaced with a two-bedroom bungalow ('Building C'), which is the dwelling currently on site. Building C has since been extended.
10. It is not clear whether Building A was in situ on 1 July 1948 but that is immaterial in terms of the application of Policy P2 to this appeal because, based on the information before me, Building A was either the building that existed on 1 July 1948, or if no building existed on 1 July 1948, Building A was the first building built after that date. As such, Building A is the 'original building' for the purposes of Local Plan Policy P2.
11. The parties' figures with respect to the size of the original building differ greatly. However, that it not surprising, as when addressing the specific scenario of Policy P2's definition of the 'original building' being applied (which in this case is in relation to a non-existent building), the appellant appears to have based their figures on Building B. In other respects, the appellant's figures appear to relate to the size of Building C. Consequently, I find the Council's figure of 60sqm for the size of the original building to be the most persuasive.
12. On this basis, the Council has calculated that the proposal would result in a property that would have a 125% larger external floor area than the original dwelling. This figure has been disputed by the appellant, but considering that

the appellant has based their figures primarily on Building C, with Building B as an alternative, again I consider that the Council's assessment is likely to be the most accurate. As such, the increase in the external floor area would be very substantial, over and above the size of the original building, and would be far in excess of the example provided by the appellant¹. The proposal would also involve an increase in mass when compared to the original building.

13. Bearing in mind that the planning system should be genuinely plan-led, the appellant's arguments relating to natural justice and the feasibility of assessing the proposal against a non-existent building does not persuade me that the definition given in Policy P2 should not be applied. I have also had regard to the paragraph referred to by the appellant in the Report on the Examination of the Guildford Borough Local Plan: strategy and sites (2019) but as the Local Plan was adopted subsequent to that Report with the text quoted above in place, it too does not change my finding. Although the appellant has referred to how the text of Policy P2 was formulated, in the context of this planning appeal the text must be read as it is written. Similarly, appeal decision 3135670² was issued before the adoption of the Local Plan and does not change my view on this matter.
14. Taking these factors together, I consider that the proposal would result in a disproportionate addition over and above the size of the original building. The proposal therefore constitutes inappropriate development in the Green Belt for the purposes of the Framework and Policy P2 of the Local Plan. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

15. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
16. The proposed extension is single-storey and would not extend across the full width of the property currently on site. Nevertheless, its mass would reduce the openness of the Green Belt in both visual and spatial terms. This impact would be modest and confined to the local area, but harm would be caused to the Green Belt.

Other considerations

17. The Framework makes it clear at paragraph 144 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
18. The proposal is acceptable in relation to the character and appearance of the host property and the surrounding area. In particular, its design would complement the host property and it would not extend beyond the existing rear and side walls. It would be subordinate in height to the host property and would maintain space in the garden area. Materials to match the host property

¹ Local Planning Authority reference: 20/P/00321 (Rose Cottage, Broad Street Common, Guildford, GU3 3BN)

² APP/Y3615/D/15/3135670 (Paddock View, Orestan Lane, Effingham, Leatherhead, KT24 5SN)

would be used. As the proposal would be located at the rear of the property, views of it would be restricted from public vantage points. Views from neighbouring properties would also be limited by the existing boundary screening. The proposal is also acceptable with respect to the living conditions of nearby occupiers. These considerations, which would serve to maintain the character and the residential amenity of the local area, are neutral factors, which do not weigh in favour of the proposal.

19. The proposal would entail an efficient use of land, although definitive evidence has not been provided as to whether the proposal would meet the definition of previously developed land as given in the Framework. As such, I give this matter limited weight.

Balancing of considerations and whether very special circumstances exist

20. The proposal would be inappropriate development in the Green Belt and would result in the loss of its openness. These matters carry substantial weight. Taken together, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. Therefore, the proposal would not comply with the Green Belt aims of Policy P2 of the Local Plan, or the Framework, and consequently would be unacceptable.

Conclusion and Recommendation

21. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR