
Appeal Decision

Site visit made on 6 April 2021

by Robin Buchanan BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2021

Appeal Ref: APP/Y3615/W/20/3245301

Pond Place, Woodhouse Lane, Holmbury St Mary RH5 6NN

- 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 Richard Hastings against the decision of Guildford Borough Council.
 - The application Ref 19/P/01477, dated 21 August 2019, was refused by notice dated 31 October 2019.
 - The development proposed is described as "in-fill extension to form 'Granny Annexe' family-use only accommodation".
 - This decision supersedes that issued on 19 June 2020. That decision on the appeal was quashed by order of the High Court.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal site is within the Green Belt. Taking account of this I consider the main issues to be:
 - 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;
 - its effect on the openness of the Green Belt; and
 - if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify it.

Reasons

Green Belt

3. The appeal property is a large detached two-storey house next to a detached double garage in a large landscaped garden. It is located in the countryside within a loose-knit cluster of mostly large individual houses and similar gardens. The proposed development would extend the house at one end to enlarge its living accommodation with a two-storey attached annexe and connect it to the detached garage.
4. Policy P2 of the Guildford borough Local Plan, April 2019 (the LP) applies national policy on development in the Green Belt, including for the extension of

buildings. Insofar as is relevant to the circumstances here, the policy is consistent¹ with the approach in the Framework, which confirms that new buildings are inappropriate in the Green Belt unless they fall within a list of exceptions². One exception, in Framework paragraph 145(c), is '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', which is defined in the Glossary of the Framework as 'A building as it existed on 1 July 1948, or if constructed after 1 July 1948, as it was built originally'. Neither LP Policy P2 or the Framework define 'disproportionate additions' and it is, therefore, a matter of planning judgement.

5. The existing house was originally constructed under a 1955 planning permission, including an attached garage, and was then altered and extended under a 2005 planning permission, which included a detached garage. Accordingly, in this appeal the original building was established by the 1955 permission. The appellant has calculated floor area and footprint change inclusive of detached outbuildings, whereas in its calculations the Council has separated the house from outbuildings. Nonetheless, and notwithstanding that the original building was already a reasonably large house on a large plot, the appeal proposal would add further floorspace and footprint to the original building. Even on the appellant's figures, cumulatively, the proposed building would result in a substantial 77% increase in floor area and a substantial 52% increase in footprint over the original building.
6. The appellant has also calculated the change in site coverage taking building footprint relative to the area of the appeal site. The Council does not dispute the appellant's figures and I have no reason to find otherwise in this regard. The appeal proposal would result in a reasonably small absolute change in site coverage — from 3.8% in the original building to 5.8% in the proposed building — but nonetheless this would be more than a 50% relative increase and as a result substantial in itself.
7. Aside from a narrow connecting link the appeal proposal would be detached from the existing house and, on the evidence before me, no part would be directly attached to the original building. Albeit attached to the existing house, on the plans before me³, it would largely replicate and continue the general arrangement of the narrow and long, broadly linear, floorplan of the original building. The step down in height of the appeal proposal (due to a lowered ground floor level) compared to the existing house would also reflect the notion of a step down in height that previously existed at this same end of the original building.
8. However, the appeal proposal would be approximately 6.1m wide and in relation to the width of the original building, this increase would be about a third as much again and for this reason significant. Moreover, considering its depth (about 6.8m) and maximum height in the rear elevation over two floors including a pitched roof (about 6.6m), despite being subservient in height to most of the original building, it would nonetheless be a significant three dimensional volumetric addition. There would therefore be a substantial cumulative addition in terms of its overall scale, bulk and massing compared to the original building. Moreover, by virtue of its attachment to the garage it

¹ Framework paragraph 213

² Framework paragraph 145

³ Appellant's Appeal Statement, January 2020 - Appendix B And C

would result in an 'L' shaped footprint and floorplan at this end of the proposed building. This would be at odds with the rectilinear arrangement of the original building.

9. In light of the above, by virtue of its floorspace, footprint, relative site coverage change, overall scale and massing and siting, the appeal proposal would not be a modest or a small extension but a disproportionate addition over and above the size of the original building. It would therefore be inappropriate development in the Green Belt.
10. The external appearance of the appeal proposal would be in keeping with the existing house and it would provide additional living accommodation in association with the residential use of the appeal site. It would infill most of a corner 'gap' between the existing building and the detached garage and would be inset into a partially excavated slope. As a result, this would limit eaves and ridge heights above adjoining ground level and the development would be screened in public views by existing buildings and boundary landscaping on and near the appeal site. Accordingly, it would not cause harm to the Green Belt due to visual intrusion.
11. However, the absence of visual intrusion does not mean the absence of spatial impact on the openness of the Green Belt. In this regard the appeal proposal would nonetheless result in development of appreciable footprint and scale and massing on part of the appeal site where none presently exists. Consequently, there would be a reduction in the openness of the Green Belt and albeit to a very small extent it would nevertheless not preserve openness.
12. Inappropriate development is by definition⁴ harmful to the Green Belt and should not be approved except in very special circumstances. The essential characteristics of Green Belts are their openness and their permanence⁵. The Framework makes clear that substantial weight should be given to any harm to the Green Belt⁶ and this is reflected in LP Policy P2.

Other matters

13. The appeal site is in the Surrey Hills Area of Outstanding Natural Beauty (the AONB) and an Area of Great Landscape Value (AGLV). The Framework states that 'great weight should be given to conserving and enhancing landscape and scenic beauty' in an AONB⁷. As I set out elsewhere above, the appeal proposal would not be conspicuous and therefore would not have any adverse appreciation in the context of the wider countryside of the AONB or the AGLV. Consequently, I consider that it would not cause any harm to the landscape or scenic beauty of the AONB, or to the AGLV. I note that the Council did not object to the proposal for these reasons.
14. The main parties agree that the appeal proposal would not result in any adverse effects on the character and appearance of the area, to the living conditions of the occupiers of nearby houses, to the local highway network or to flood risk. The proposal would also incorporate suitable sustainable heating and water harvesting technologies. I have no reason to reach a different view on these issues.

⁴ Framework paragraph 143

⁵ Framework paragraph 133

⁶ Framework paragraph 144

⁷ Framework paragraph 172

15. The appellant has referred me to 12 appeal decisions in the Council's borough and to 3 Council decisions.⁸ Summary details have been provided for 10 of these decisions and some more details have been provided for 5 of the appeal decisions⁹. I do not therefore have full details of any of these cases before me. However, on the evidence that is before me, I note that all of these decisions were made under a different development plan regime, prior to the adoption of the LP. Moreover, at a time when the supporting text to saved Policy H9 of the Guilford borough Local Plan 2003 (the former LP) indicated that small extensions in the Green Belt, even where there have been a number of previous extensions to the original dwelling, would not necessarily be refused planning permission. I note that this provision is not incorporated in LP Policy P2, or its supporting text, and I have not been made aware of any other LP policy or supporting text equivalent to former LP Policy H9.
16. Of the 10 decisions where summary details have been provided, these only include floor area and one decision does not refer to 'original' floor area. I acknowledge that some of these original and proposed floor areas, or percentage changes in floor area, exceed those in the current appeal but equally some do not. Moreover, as the appellant acknowledges in the current appeal, floor area is not the only relevant consideration. Consequently, it is not clear to me if any of these decisions were made with regard to other matters or whether floor area was determinative in those cases.
17. Of the 5 appeal decisions where some more details have been provided, it is evident that former LP Policy H9 was a significant consideration in the other Inspector's decisions. Indeed, four extensions were found to fall within a description of 'small' or 'modest' while in the other decision¹⁰ the proposed development would 'occupy principally the same space' as existing development. In addition, I note that in one appeal¹¹ the 133% floor area increase referred to by the current appellant does not tally with the Inspector's decision or with the Design and Access Statement, which both refer to a 78% increase. Furthermore, in two appeals¹² the Inspectors did not explicitly endorse the percentage increases that are referred to by the current appellant and in one decision¹³ floor area increase included a proposed detached garage, while in another appeal¹⁴ it is not clear whether the floor area figures provided by the current appellant include a proposed detached garage.
18. The appellant also refers me to a more recent Council decision¹⁵ made under LP Policy P2 to grant planning permission for an extension to a dwelling. I acknowledge that the Council's officer report refers to a 142.6% increase in floorspace over the original building. However, I note that 'much' of the floorspace in that existing house (which was an increase in size over the original dwelling) was 'contained within the roof and dormer enlargements', as is evident from the plans provided by the appellant. Consequently, a significant amount of the cumulative floorspace increase in that case exerted no apparent or meaningful external influence on the Green Belt and openness.

⁸ Appellant's Planning Statement – Table 2, paragraph 3.11

⁹ Appellant's Appeal Statement – Appendix D to H

¹⁰ Lavender House

¹¹ 1 Willey Green Cottages

¹² 2 Sunnyside and Lavender House

¹³ Old Quarry House

¹⁴ 2 Sunnyside

¹⁵ Appellant's Further Representations letter – Appendix C

19. Consequently, all of these decisions can be distinguished from the current appeal. I have, in any event, considered the appeal on its individual planning merits.

Other considerations

20. The appeal proposal would facilitate the shared living of two generations of the appellant's family at the appeal site, including in anticipation of future care needs, while providing some mutual privacy. It would also incorporate renewable energy and water recycling infrastructure. This would broadly reflect some aims of the Framework insofar as it would help to address the housing requirements of older people¹⁶ and mitigate effects of climate change¹⁷.
21. Although I am sympathetic to the aspirations of the appellant in these regards, the general circumstances of this case are not, however, atypical since existing dwellings in the Green Belt are not unusual and many other Green Belt residents are likely to want to build sizeable extensions to their homes and could seek to support their proposals in the same manner as this appeal does. I have also borne in mind that this development would remain long after the appellant's personal circumstances have ceased to be material. I therefore consider these to be modest benefits and attach moderate weight to them.
22. I have found above that there would be no harm to the AONB, to the AGLV, to the character and appearance of the area, to the living conditions of the occupiers of nearby houses, to the local highway network or to flood risk. The absence of harm in these regards are neutral factors in my decision and do not therefore weigh in favour of the appeal proposal.

Conclusion

23. The appeal proposal would be inappropriate development in the Green Belt and would reduce openness. Giving substantial weight to this harm, against this, the benefits of multigenerational living and sustainable infrastructure would afford moderate weight in favour of the proposal.
24. The Framework sets out 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 considerations¹⁸. In this case, the other considerations in favour of the proposal would not clearly outweigh the harm that I have identified to the Green Belt. Consequently, very special circumstances necessary to justify the appeal proposal do not exist. Moreover, the proposal would not accord with LP Policy P2 and would conflict with Framework paragraphs 133, 143, 144 and 145(c). Accordingly, there are no material considerations that indicate that my decision should not be made otherwise than in accordance with the development plan, taken as a whole.
25. For the reasons given above I conclude that the appeal does not succeed.

Robin Buchanan

INSPECTOR

¹⁶ Framework paragraphs 8(b), 59, 60 and 61

¹⁷ Framework paragraph 150

¹⁸ Framework paragraph 144