



Appeal Decision

Site Visit made on 10 June 2021

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2021

Appeal Ref: APP/Y3615/D/21/3269461

Viewlands, Pinks Hill, Wood Street Village, Guildford, Surrey GU3 3BW

- 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 L Budd against the decision of Guildford Borough Council.
 - The application Ref 20/P/01971, dated 18 November 2020, was refused by notice dated 25 January 2021.
 - The development proposed is erection of extensions and alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

(a) whether the proposal would constitute inappropriate development in the Green Belt,

(b) the effect of the proposal on the scale and character of the existing property, and

(c) if it is 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 the development.

Reasons

Whether inappropriate development

3. Viewlands is a two storey detached house, the last in a row of detached dwellings accessed via an unmade track. It has been previously enlarged by the addition of a rear conservatory. The site and surrounding area are within the Metropolitan Green Belt.
4. Paragraph 145 of the National Planning Policy Framework (the Framework) states subject to stated exceptions that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exception (c) 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 (adopted 2019) (LPSS) is consistent with the Framework in relation to cited exceptions to inappropriate development in the Green Belt.

5. The test for whether an enlargement would be “*disproportionate*” does not relate to openness in the Green Belt but requires a quantitative assessment. The Council states that the original building had a floor area of 94 sqm, that the existing building is 125 sqm and that the proposed resulting building would be 180 sqm. This would amount to a 91% increase in the size of the original building. The appellant disputes these figures stating the original building to be 96.6 sqm, the existing building to be 124.6 sqm and the proposed building to be 176.7% resulting in an uplift of 82% over and above the original building.
6. Whilst there is a disparity of 9% in overall uplift between these calculations, both figures indicate a substantial increase in relation to the floor area of the original building. The appellant has made reference to a ballpark figure of 50% increase evident in other determinations in the borough. The increase in the current appeal proposal would be significantly greater than this. It would amount to a disproportionate addition over and above the size of the original building and so would not satisfy exception (c). The proposal would thereby be inappropriate development in the Green Belt.

Scale and character

7. The proposal would replace the conservatory by a two storey extension with a pitched roof perpendicular to that of the present roof ridge and with a catslide roof feature to the front. These and other alterations would significantly change the scale, character and appearance of the house. Such a change could be a concern in a street of similarly designed houses resulting in a development out of keeping with the context of the locality. But Pinks Hill is not like this. Its few dwellings are of varying size and design. Viewlands is the smallest house in the row so the increase in scale would not detract from its appearance in the row. Its existing design and character are not replicated in other houses. The proposed design would not change the nature of the road as a series of individually designed dwellings.
8. The existing building is modest in scale and has a pleasant cottage style appearance, but it is not of exceptional quality or design. The Council’s policies do not require such a character to necessarily be retained in the context of a road of varied character like Pinks Hill. The proposed alterations would result in a dwelling of different scale and character, but there would be a coherent appearance and an acceptable design. The proposal would not be contrary to Policy D1 of the LPSS which requires a high quality design that responds to distinctive local character or to Saved Policies G5 and G1(3) of the Guildford Borough Local Plan (2003) which require the design of proposals to respect the context of the surrounding area and the amenities of occupants of neighbouring buildings; the latter issue was not included in the second refusal reason.

Other considerations

9. Paragraph 143 to the Framework states, “*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*”. Paragraph 144 affirms that substantial weight is given to any harm to the Green Belt and comments, “*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*”. The appellant contends that very special circumstances exist through the possible implementation of a ‘permitted development’ scheme which would be of overall greater harm.

10. The scheme involves single storey side and rear extensions and a first floor dormer extension in the existing catslide roof to the north-eastern (rear) elevation. The size and position of these works have been established in prior notification and certificate of lawfulness submissions approved by the Council¹. The appellant calculates the resultant floor area of the permitted development scheme to be 178.7 sqm, slightly greater than the floor area for the current proposal. The Council has not submitted a calculation for this scheme but their calculation for the current proposal at 180 sqm would be slightly higher than it.
11. It can be concluded in terms of floor area and quantum of development proposed that the current appeal proposal and the permitted development fallback scheme would be comparable. With respect to impact on the openness of the Green Belt, the fallback scheme would cover a greater area at ground floor level, but the massing of the appeal proposal would be greater at first floor level. Their impacts on openness would be similar. In relation to the affect on the character of the area, both would significantly change the appearance of the building from within the site, but these changes would not be prominent when viewed from the publicly accessible parts of Pinks Hill. The impact on the occupiers of the adjacent dwelling to the north, Pink's Hill House, would be worse for the fallback scheme as the first floor dormer would offer views towards its flank wall and rear garden. However, as the flank wall contains only secondary windows and the angle of view towards the rear garden is tempered by screening vegetation within the garden at Pinks Hill House, any loss of amenity arising from this scheme would not be substantial.
12. Nonetheless, there is a greater than theoretical possibility that the permitted development scheme could be implemented. The appellant has obtained relevant consents from the Council to define the scheme and quotes from two builders to construct both this and the appeal proposals. Both sets of quotes indicate that the fallback scheme would be about £100,000 cheaper, adding to its attractiveness as an alternative to the appeal proposal. The permitted development scheme is a realistic fallback and material consideration.
13. But the resultant layout would not be as orderly or spacious as the appeal proposal. A first floor bedroom within the rear dormer would be cramped and a ground floor bedroom would have a chamfered corner where an extension abuts the side boundary, also precluding easy access around the northern side of the building. These factors could diminish the attractiveness to future occupiers of the fallback as an alternative.
14. But there is nothing before me to constrain the fallback to just an alternative. The rear ground floor and first floor additions could still be constructed in whole or in part adding to the overall scale of the development. The appellant is agreeable to a condition removing permitted development rights for further extensions should the appeal be allowed, but such a condition would only take effect once the appeal scheme is implemented. Enlargements within the permitted development scheme could take place before the appeal proposal is implemented, albeit with adjustments to the internal layout. Such an outcome could only be precluded by means of a planning obligation by which the appellant would forgo relevant permitted development rights immediately on the issue of the planning permission. These considerations diminish the weight to be afforded to the fallback scheme.

¹ References: 20/W/00053 and 20/P/00760

Conclusion

15. Whilst I have concluded that there would be no material harm to the scale and character of the existing building, the proposal would nonetheless result in *"disproportionate additions over and above the size of the original building"*. It would therefore be inappropriate development in the Green Belt. Paragraph 144 of the Framework affirms that *"substantial weight is given to any harm to the Green Belt"*. The fallback scheme could be built and is a material consideration. Its impact on the Green Belt would be comparable to that of the appeal proposal in many respects. But having regard to all relevant factors examined above, the harm arising from the fallback scheme and the likelihood of its implementation would not clearly outweigh the substantial weight to be attributed to harm arising from the appeal proposal. Other considerations amounting to the *"very special circumstances"* necessary to justify the development therefore do not exist. The proposal would be contrary to Policy P2 of the LPSS and to the provisions of the Framework taken as a whole.
16. For the reasons given I conclude that the appeal should be dismissed.

Rory MacLeod

INSPECTOR