



Appeal Decision

Site visit made on 27 August 2021

by Julie Dale Clark BA(Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/Y3615/D/21/3274869

Fair Lawns, The Warren, East Horsley KT24 5RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Bryn Young against the decision of Guildford Borough Council.
 - The application Ref 21/P/00309, dated 12 February 2021, was refused by notice dated 7 May 2021.
 - The application sought planning permission for a loft conversion to provide an additional bedroom/en-suite and study space incorporating three pitched roof zinc dormers to rear and one central skylight. It is proposed that the existing pitched roof structure be re-roofed using a warm roof construction & natural slate finish, replacing the existing chunky grey concrete tiles without complying with a condition attached to planning permission Ref 20/P/02029, dated 22 January 2021.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans: 237/00_001 Rev A, 237/00_003 Rev B, 237/00_004 Rev A, 237/00_005 Rev B, 237/00_006 Rev A, 237/00_010 received on 27/11/2020.*
 - The reason given for the condition is: *To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.*
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion to provide an additional bedroom/en-suite and study space incorporating three pitched roof zinc dormers to rear and one central skylight. It is proposed that the existing pitched roof structure be re-roofed using a warm roof construction & natural slate finish replacing the existing chunky concrete tiles at Fair Lawns, The Warren, East Horsley KT24 5RH in accordance with the application Ref 20/P/02029 dated 22 January 2021, without compliance with condition number 2 previously imposed on planning permission Ref 20/P/02029 dated 22 January 2021 and subject to the following conditions:
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: -
 - 237/00_001 Rev A; 237/00_003 Rev B; 237/00_04 Rev A; 237/00_005 Rev D; 237/00_006 Rev B; 237/00_010 Rev A; and 237/00_012 Rev A.

Main Issues

2. I consider that the main issues are: -

- whether the proposal constitutes inappropriate development in the Green Belt and its effect on openness; and
- 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

3. The appeal site is a detached house in the Green Belt. The National Planning Policy Framework¹ explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Exceptions include 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. This is reflected in Local Plan Policy P2².
4. The house is set back from the road and set in a substantial plot of land with generous front and rear gardens. It has previously been extended and the Council calculate that past extensions have increased the floorspace by just over 50% and the recent approval would increase the total floorspace to just over 80% of the original dwelling. The calculations provided are in terms of floorspace only and no reference is made to the volume increase.
5. The proposal seeks approval for alternative plans to that previously approved and in particular, the difference would involve increasing the height of the entire roof by 600mm. The approved scheme would include the replacement of the roof and the insertion of dormers. The Council has noted that this variation would not increase the floorspace above that already approved but it would increase the mass, bulk and volume of the house.
6. I agree that the volume of the house would be increased by the approved scheme and raising the roof would increase it further. Incremental increases that amounted to a disproportionate increase would clearly conflict with the Framework and would conflict with a key objective of Green Belt policy to maintain openness.
7. Given what has already been approved and is capable of implementation, my assessment is focused on the difference between that approved and that now proposed. On balance, the difference is not so substantial as to weigh heavily against it. In effect, the resulting house would differ little in appearance from what has been approved and an extra 600mm added to the height of the roof. The impact of this is lessened by the location of the house, set back from the road and apart from its nearest neighbours. The street scene plan submitted assists in providing a picture of the appeal site in the context of its two nearest neighbours.

¹ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

² Guildford Borough Local Plan: strategy and sites 2015 – 2034, Adopted 25 April 2019.

8. I do not therefore consider that the proposal, with the additional 600mm above that previously approved would represent a disproportionate addition over and above the original dwelling. I do not consider that it would harm the openness of the Green Belt and I do not therefore consider that the proposal would conflict with the Framework or Local Plan Policy P2.
9. I note that the Council has added a suggested condition requiring materials to match the existing building. This was not included in the original planning approval and in any event are described on the plans and application form. In accordance with the Planning Practice Guidance³, I do not consider that this is necessary.
10. Given that I have found that the proposal would not be inappropriate development in the Green Belt there is no need for me to consider whether there are any very special circumstances to consider. I have taken all matters raised into consideration but none alter my conclusion.
11. I conclude that the proposal would not be inappropriate development in the Green Belt and no harm would arise to its openness. The proposal would be consistent with the Framework and Policy P2 and therefore the appeal succeeds.

J D Clark

INSPECTOR

³ Planning Practice Guidance, Published 6 March 2014 – Last Updated 23 July 2019.