



Appeal Decisions

Site visit made on 29 November 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal A Ref: APP/Y3615/D/21/3275425

Little Romanys, Lawbrook Lane, Peaslake, Guildford GU5 9QW

- 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 & Mrs Taylor against the decision of Guildford Borough Council.
 - The application Ref 21/P/00181, dated 1 February 2021, was refused by notice dated 26 March 2021.
 - The development proposed is erection of extensions and alterations.
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Appeal B Ref: APP/Y3615/D/21/3278050

Little Romanys, Lawbrook Lane, Peaslake, Guildford GU5 9QW

- 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 & Mrs Taylor against the decision of Guildford Borough Council.
 - The application Ref 21/P/00927, dated 27 April 2021, was refused by notice dated 23 June 2021.
 - The development proposed is erection of extensions and alterations.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Application for costs

3. In relation to Appeal B, an application for costs was made by Mr & Mrs Taylor against Guildford Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

4. During the course of the appeals the revised National Planning Policy Framework (the Framework) was published. The main parties were provided with an opportunity to comment and I have taken any made into account. I have had regard to the 2021 version of the Framework in my decisions.
5. As set out above there are 2 appeals on this site. They differ only in that the size of the proposed single-storey extension has been reduced in Appeal B, compared to Appeal A. I have considered each proposal on its individual merits.

However, to avoid duplication I have dealt with the 2 schemes together, except where otherwise indicated.

Main Issues

6. The main issues with respect to both appeals are:

- whether the proposal would be inappropriate development in the Green Belt;
- the effect of the proposal on the openness of the Green Belt; and
- 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: Appeal A & Appeal B

Whether Inappropriate Development

7. The National Planning Policy Framework (the Framework) establishes that the construction of new buildings within the Green Belt is inappropriate, subject to exceptions set out in paragraph 149 of the Framework. One of 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 (paragraph 149 c)). This principle is reflected in Policy P2 of the Guildford borough Local Plan: strategy and sites 2015 – 2034 (adopted 2019) (Local Plan) which provides that, amongst other things, 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.
8. These policies assist in safeguarding the 5 purposes of the Green Belt. Of particular relevance to these appeals is the Green Belt's purpose in relation to its assistance in safeguarding the countryside from encroachment.
9. Reference has been made to the floor area of the garage on site. However, both Policy P2 and the Framework refer to the original building, and in this regard as the proposed developments only relate to the appeal property, my assessments with respect to paragraph 149 c) of the Framework excludes the garage.
10. The appellants have referred to the visual impact / perception and appearance of the proposals, their relationship within the plot, the context of the site (including the plot and the surrounding area), and the nature of surrounding properties and the sizes of their plots. In relation to these factors, I have had regard to the appeal decisions referred to¹.
11. However, none of those appeal decisions were made under the currently-adopted Local Plan, which reduces their relevance, including with respect to the percentage increases in size highlighted. This is particularly so as those policies which related to the Green Belt in the previous Local Plan have not been provided. Moreover, both the Framework and Policy P2 require an assessment of the proposals in relation to the original building, with paragraph 149 c) of the Framework referring to the size of the original building, in considering

¹ APP/Y3615/D/17/3185533, APP/Y3615/W/18/3202309, APP/Y3615/D/18/3209793, APP/Y3615/D/14/2221679

whether any disproportionate additions would occur. Accordingly, that is the focus of my assessments under this main issue.

12. In relation to Appeal A, the floorspace figures provided by the appellants differ from those presented by the Council. The Council's figures are based upon the Officer's Reports for 2 previous planning applications and therefore are more persuasive. These figures demonstrate that the proposal for Appeal A, in conjunction with previous extensions to the building, would result in a building that would have an approximately 70% larger external floor area than the original building. This is clearly a considerable increase in size, over-and-above the original building. Furthermore, the proposed single-storey extension would extend the property outwards by some margin, resulting in a proportionately significant increase in massing and bulk to the existing property.
13. In relation to Appeal B, it is common ground between the main parties that the proposal would result in a building that would have an approximately 63% larger external floor area than the original building. In my view, this still involves a considerable increase in size, over-and-above the original building. Moreover, although from Appeal A the extension has been reduced in depth from approximately 5.8 metres to approximately 3.9 metres, it would still involve a material increase in massing and bulk to the existing property.
14. I have had regard to planning permissions 20/P/02204 and 19/P/01041. With respect to the former, in relation to floorspace the Council in their Officer's Report did not substantiate their assertion that the proposal would not result in a disproportionate addition to the original building. With respect to the latter, in my view the substantial increase in size over-and-above the original building of approximately 63% provides a strong indication that the proposal would result in disproportionate additions over-and-above the size of the original building. Accordingly, neither of these examples changes my findings.
15. I have considered the table presented which references several decisions within the Borough. However, as no plans or drawings have been provided in relation to those decisions, I cannot be certain that the circumstances are sufficiently similar to the proposals before me, especially considering the importance of three dimensional factors, including external dimensions, in making any assessment under paragraph 149 c), as distinct from floorspace. Thus, these examples also do not change my findings.
16. In light of the above, although the amount of undeveloped land would not be significantly altered, the proposals would result in disproportionate additions over-and-above the size of the original building, in conflict with paragraph 149 c) of the Framework. The proposals would therefore constitute 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

17. 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.

18. In relation to both appeals, the proposed extensions and alterations to the appeal property would be situated to the rear of the site, which is largely enclosed by tall mature hedgerow and trees. Accordingly, the proposals' impact on the openness of the Green Belt would be limited in visual terms.
19. Nevertheless, both proposals would materially augment the property, increasing both its size and the spread of built form above ground level within the site. Thus, the openness of the Green Belt would be reduced in spatial terms, albeit to a limited degree. Consequently, both proposals would cause harm to the openness of the Green Belt.

Other Considerations

20. The Framework makes it clear at paragraph 148 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.
21. The Council did not refuse the applications on matters relating to their impacts on the Surrey Hills Area of Outstanding Natural Beauty, the Area of Great Landscape Value, the character and appearance of the area, the living conditions of neighbouring occupiers, highways, car parking, biodiversity, nature conservation, nor with respect to the design credentials of the proposals. However, even if I were to likewise reason that the proposals would be acceptable in these respects, and in compliance with the Local Plan and the Framework, these would be neutral factors rather than ones which weigh positively in favour of the proposals.
22. The proposals would improve the living accommodation available to the appellants. However, as this would mainly be a private benefit, this has been given limited weight.
23. The proposals would incorporate energy-saving technologies and equipment and would be constructed in a sustainable manner. The proposed bay window would also provide enhanced natural light, reducing the dependency on internal light fittings. Nevertheless, considering the scale of both proposals, the contribution to the Framework's objective in terms of meeting the challenge of climate change would likely be fairly minimal. Thus, this matter has been given limited weight.

Balancing of Considerations

24. The proposals would be inappropriate development in the Green Belt and would result in a reduction in its openness. These matters carry substantial weight. Whilst the proposals would improve the living accommodation available to the appellants and would provide a contribution towards meeting the challenge of climate change, I find that these benefits do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposals does not exist. Therefore, the proposals would not comply with the Green Belt aims of Policy P2 of the Local Plan, or the Framework, and consequently would be unacceptable.

Conclusions: Appeal A & Appeal B

25. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeals are dismissed.

Alexander O'Doherty

INSPECTOR