
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: 22 February 2022

Appeal A Ref: APP/Y3615/D/21/3274916

Sark Cottage, Crest Hill, Peaslake, Guildford GU5 9PE

- 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 Waple against the decision of Guildford Borough Council.
 - The application Ref 21/P/00455, dated 4 March 2021, was refused by notice dated 4 May 2021.
 - The development proposed is described as, "Alterations and extensions to a dormer bungalow".
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Appeal B Ref: APP/Y3615/D/21/3286645

Sark Cottage, Crest Hill, Peaslake, Guildford GU5 9PE

- 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 Waple against the decision of Guildford Borough Council.
 - The application Ref 21/P/01874, dated 31 August 2021, was refused by notice dated 8 November 2021.
 - The development proposed is described as, "Proposed single storey side and rear extensions without raising the ridge height".
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. 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.
4. As set out above there are 2 appeals on this site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the 2 schemes together, drawing distinctions between the 2 as necessary.

Main Issues

5. 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

6. 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.
7. The appellant has referred to the scale of the proposals in relation to the character of the area, the design credentials of the proposals, the topography of Crest Hill, and the effect of the proposals on the living conditions of neighbouring occupiers. However, the assessment to be made under paragraph 149 c) is whether the extensions or alterations would result in disproportionate additions over-and-above the size of the original building.
8. I have had regard to the legal principles expressed in *Moffat*¹, which nevertheless reiterates that a judgement on disproportionality is a matter of planning judgement, the points raised regarding consistency of decision-making, and all the examples referred to by the appellant². I accept that in numerical, or proportionate, floorspace terms the examples presented to me are similar or greater to that proposed here. However each proposal must be considered on its particular merits, and inevitably the nature of the scheme and the site-specific circumstances in each differs.
9. I note, for example that the scheme in respect of Bassets involved the use of a roofspace as habitable accommodation, which would have been inevitably contained within the existing footprint of the property, with the Council reasoning that 'an artificial uplift on the floorspace' was involved, and that three dimensionally the additions to that property were found to be minor. The proposal at Wyndene was considered by the Council to result in a disproportionate addition to the original building and it was the consideration of a site-specific fall-back position that led the Council to conclude that very special circumstances existed.
10. The proposal at Belmont appears on the limited information before me to be a replacement dwelling, and thereby relates to a different test in the Framework. There were also evidently context-specific circumstances in terms of the appeal to which *Moffat* relates, noting that the Inspector in that case took careful

¹ *Guildford BC v SSCLG & Moffat* [2009] EWHC 3531 (Admin)

² Including Ref 19/P/01954, Ref 19/P/00803, Ref 12/P/01998, Ref 21/P/01572

account of the scale of the existing property relative to its plot size in reaching an overall balanced view on the acceptability of the scheme.

11. Moreover, and whilst consistency is important in the planning system, I am not bound to fall in line with any previous decision of the Council, including the recent decision for Eastwood. I have however carefully considered the analysis put forward by the appellant, which includes comparisons with the proposals before me, in considering whether the proposals would comply with paragraph 149 c). In particular, I note the direct comparison that the appellant has made between the approval for Bassets and the proposals before me, including comparisons with respect to the scale of other houses in the street, but the assessment to be made under paragraph 149 c) is in relation to the size of the original building. Hence, that is the focus of my assessments under this main issue.
12. In this respect, in relation to Appeal A, the main parties do not agree on the percentage floorspace uplift that would be created by the proposal. Nevertheless, even taking account of the lowest figure, submitted by the appellant, of a floorspace uplift of approximately 63% over-and-above the original building, in my view it is clear that the proposal for Appeal A would involve a considerable increase in floorspace when compared to the original building. Additionally, the ridge height of the existing building would be raised and the depth of the building would be materially increased at ground floor level, thereby increasing the scale and bulk of the property by some margin.
13. In relation to Appeal B, it is common ground between the main parties that the proposal would result in a floorspace uplift of approximately 83% over-and-above the original building. This would be a substantial increase. Additionally, although the ridge height of the existing building would remain the same, a 'filling in' of the roof line would occur and the depth of the building would be materially increased at ground floor level. Accordingly, the proposal would considerably augment the existing property, in terms of both its scale and bulk.
14. Taking all of the above into account, including all the examples put forward by the appellant, I consider that 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. Whilst I note differential figures apparently used in the context of pre-application advice, that is essentially water under the bridge and a procedural matter which does not alter my reasoning above regarding the implications of the proposals with reference to the provisions of the development plan and the Framework.

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 site is positioned in a fairly discrete location and is largely secluded to the rear due to the presence of mature hedgerow and trees. Accordingly, the

proposals would have a limited reducing effect on the openness of the Green Belt in visual terms. Nevertheless, the proposals would result in a materially bulkier building than that which presently exists and in this respect they would have a reducing effect on the openness of the Green Belt in spatial terms, albeit that effect would be limited. Consequently, the proposals would cause harm to the openness of the Green Belt.

Other Considerations

17. 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.
18. The Council did not refuse the applications on matters relating to the Surrey Hills Area of Outstanding Natural Beauty or the Area of Great Landscape Value. 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 would weigh positively in favour of the proposals.
19. The appellant has referred to the Framework's objective in meeting the challenge of climate change, but as minimal details have been provided relating to the potential of the proposals to contribute in this respect this matter has been given limited weight in favour of the proposals.
20. The proposals would improve the living accommodation available to the appellant. However, as this would mainly be a private benefit, this has been given limited weight.
21. A fall-back position exists, in the form of a Certificate of Lawfulness for a single storey rear extension³. Based on the evidence before me, I consider that there is a real prospect that the fall-back position would be implemented, should these appeals be dismissed.
22. Nevertheless, whilst the appellant has asserted that the fall-back position would cause harm in relation to the aesthetics and external appearance of the appeal property, and that the majority of the proposed floorspace for Appeal A could be constructed under the certified scheme, that single storey extension would be positioned to the rear of the property, where its reducing effect on the openness of the Green Belt would be limited in visual terms.
23. The appellant has asserted that implementing the certified scheme would be tantamount to replicating the entire ground floor development that is proposed under Appeal A, and this has not been disputed by the Council. On this basis, whilst the certified scheme would have some reducing effect on the openness of the Green Belt in spatial terms, on the evidence before me this would not likely be any greater than that which would be created via Appeal A. Moreover, considering that Appeal B would involve a 'filling in' of the roof line in addition to a rear extension at ground floor level, the fall-back position would be unlikely to be more harmful to the openness of the Green Belt in spatial terms than Appeal B. For these reasons, I have given the fall-back position limited weight in favour of the proposals.

³ Ref 21/P/01699

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. For the above reasons I attach no more than moderate weight to the benefits of the proposed developments which make up the other considerations. Thus, taken together, I find that the other considerations in these cases do not clearly outweigh the totality of the harms 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