



Appeal Decision

Site visit made on 22 February 2022 by Thomas Courtney BA(Hons) MA

Decision by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2022

Appeal Ref: APP/Y3615/D/21/3278091

Kayos Cottage, Guildford Road, Effingham, KT24 5QQ

- 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 Kollmer against the decision of Guildford Borough Council.
 - The application Ref 21/P/00497, dated 10 March 2021, was refused by notice dated 13 May 2021.
 - The development proposed is the erection of a detached, single storey ancillary outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for erection of detached, single storey ancillary outbuilding at Kayos Cottage, Guildford Road, Effingham, KT24 5QQ in accordance with the terms of the application Ref 21/P/00497, dated 10 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings Nos. KYS_001_Location, KYS_002_Elevations, KYS_003_Plans, RMT568-TCP and RMT568-TPP.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Both parties referred to the now superseded National Planning Policy Framework (NPPF 2019) and, in particular, the provisions of paragraph 145 of the NPPF 2019. The main thrust of the provisions outlined in paragraph 145 of the superseded version are comparable to the provisions now outlined within paragraph 149 of the newly adopted NPPF (2021). I am satisfied therefore that the issues at hand in this appeal are not affected by the policy change and that neither party would be prejudiced by my reference to the more recent NPPF (2021).
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Main Issues

4. The main issue is whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy. It is also necessary to consider any effects of the development on the existing dwelling and the surrounding area.

Reasons for the Recommendation

5. The appeal property comprises a detached dwelling set within a large plot located within the Green Belt. It is accessed via a long driveway off Guildford Road. The property has a contemporary design and is relatively well-screened from view as the site's boundaries are heavily vegetated with mature trees and shrubbery.
6. Paragraph 149 of the NPPF states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Policy P2 of the *Guildford Borough Local Plan: Strategy and Sites 2019* (the 'Local Plan') is consistent with this in that it gives a list of forms of development that are not inappropriate. One exception 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.
7. The proposal would comprise the erection of a detached single storey outbuilding with a slightly slanted flat roof within the driveway to the west of the main house. The Council consider that, as the outbuilding would be detached from the house, it cannot constitute an extension, would not fall into any of the other exceptions to Green Belt policy and so would be inappropriate.
8. The appellant refers to the judgment in *Sevenoaks District Council v SSE and Dawe [1997]* which established that a proposed new domestic outbuilding in the Green Belt can potentially be regarded as an extension to a dwelling. However, this is fundamentally a matter of judgement, based on the specific circumstances involved in each case, and this point was recognised in the appeal decision (Appendix 1) provided by the appellant.
9. In this case, the proposed outbuilding would be sited within the curtilage of the main dwelling and would occupy an area of hardstanding where a now demolished outbuilding used to lie. It would be sited in close proximity to the host dwelling, at the end of the driveway and within the dwelling's parking area. Furthermore, I find that it would appear modest given its single storey height, flat roof and simple design. It would function and be read as a conventional outbuilding or normal domestic adjunct, and I consider that the proposal can reasonably be considered as an extension.
10. Having regard to extensions to buildings, Policy P2 of the LPSS states that the "original building" shall mean either: a) the building as it existed on 1 July 1948; or b) if no building existed on 1 July 1948, then the first building as it was originally built after this date. Whilst the site's planning history indicates that the current dwelling replaced a building that previously stood within the appeal site, I have not been provided with details with regards to the size or volume of the previous building. In relation to buildings constructed after 1 July 1948, the definition of 'original building' in the Glossary to the revised NPPF does not expressly deal with replacement dwellings. However, it can be taken

that the 'original building' in such a case would be the replacement dwelling itself, as originally built in 2017/2018, and that would form the baseline against which subsequent extensions and alterations should be measured.

11. The appellant states the proposed outbuilding would have a floor area of 28 sqm, which would represent a 14% increase in floor area over the original building. The Council has not provided me with corresponding calculations. Whilst the development plan does not refer to a defined way of assessing and measuring proportionality, national guidance does give some guidance on measuring 'proportionality'. The NPPF refers to 'size' which can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception. In this case, the overall scale of the outbuilding would be modest, and I consider that a 14% increase in floorspace would not be disproportionate and would respect the scale and form of the main dwelling. In light of this, find that the proposal would not result in a disproportionate addition over and above the size of the original dwelling.
12. On the basis that the proposed outbuilding would meet the exception outlined in Paragraph 149(c) of the NPPF and Policy P2, as detailed above. I therefore find the proposal is not inappropriate development in the Green Belt and would not conflict with the NPPF in this respect.
13. With regard to the planning effects of the proposed development, I agree with the Council that the modest building would not detract from the character of the existing property or the surrounding area and, being well away from neighbouring properties, would have no adverse effect on residential amenity

Conclusion

14. For the reasons explained above and having taken account of every matter raised in the representations, I conclude that the appeal should be allowed.

Conditions

15. I have considered the Council's suggested conditions against the advice on conditions set out in the NPPF and the Planning Practice Guidance. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty.

Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

B J Sims

INSPECTOR