The Planning Inspectorate

Appeal Decision

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

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2022

Appeal Ref: APP/Y3615/D/21/3279036
Shere Cottage, Shere Road, West Horsley, KT24 6EQ

- 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 Bonds against the decision of Guildford Borough Council.
- The application Ref 21/P/00326, dated 1 February 2021, was refused by notice dated 29 June 2021.
- The development proposed is front and side extensions. Raising of the roof to provide first floor habitable accommodation including three dormer windows and two rooflights.

Decision

1. The appeal is dismissed.

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. In the interest of accuracy, the description of development as it appears in the header above is based on the decision notice.

4. The Council referred to the now superseded National Planning Policy Framework (NPPF 2019) and in particular the provisions of paragraph 145 of the NPPF 2019. The main thrust of the provisions outlined in paragraph 145 of the superseded version are comparable to the provisions now outlined within paragraph 149 of the newly adopted NPPF (2021).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 version of the NPPF.

Main Issues

5. The main issues are:

    - 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;

    - The effect of the proposal on the openness of the Green Belt;

- The effect of the proposal on the living conditions of the occupiers of the neighbouring properties, with particular regard to a loss of light and privacy;
- if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the development would be inappropriate development

6. The appeal property comprises a detached dwelling located on the eastern side of Shere Road in an established residential area which lies within the Green Belt. The property features a pitched roof and a flat-roofed rectangular side/rear extension forming a distinctive L-shaped layout. The appeal dwelling is situated in close proximity to the neighbouring property to the north, known as Sheepleas Cottage, and sits on slightly higher ground.

7. Paragraph 149 of the NPPF states that new development is inappropriate in the Green Belt unless it falls 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.

8. Having regard to extensions to buildings, Policy P2 of the Local Plan states that the "original building" shall mean the building as it existed on 1 July 1948, which is consistent with the definition given in Annex 2 of the NPPF. Both parties agree that the proposed extensions would have a total floor area of 49.5 sqm, but when taken in conjunction with previous extensions would represent a 77% increase in floor area over that of the original building. Whilst the development plan does not refer to a defined way of assessing and measuring proportionality, the NPPF refers to 'size' in the context of this, which can reasonably be interpreted as a reference to volume, height, external dimensions, footprint, floorspace or visual perception. In this case, the overall increase in floor area and height of the dwelling would quite clearly result in a substantially greater visual bulk to the resultant dwelling. I find that the scale of the extensions would subsume the size and form of the original dwelling and would therefore represent a disproportionate form of development.

9. On the basis that the proposed extensions would result in disproportionate additions over and above the size of the original dwelling, I therefore find the proposal would be inappropriate development in the Green Belt and would conflict with Paragraph 149(c) of the NPPF, as detailed above, and policy P2 of the Local Plan which seeks to resist inappropriate development in the Green Belt.

Openness

10. Openness is identified in the NPPF as one of the Green Belt's essential characteristics. The additional built form and volume as a result of the extensions would materially impact on openness in a spatial aspect. Furthermore, the increased height of the roof, plus the prominent position of

the building in an elevated position, would mean the proposal would also have a greater visual impact on the openness of the Green Belt when seen from the open countryside to the east. The spatial and visual impact on openness would result in moderate harm to the Green Belt.

Living conditions

11. The Council considered that the proposal would not negatively impact the living conditions of neighbouring occupiers, although I note the objection submitted by the West Horsley Parish Council and the concerns raised by neighbouring occupiers.

12. The appeal dwelling sits within a metre of the common boundary and the southern flank elevation of Sheepleas Cottage. It also projects beyond the rear elevation of the neighbouring building as it is more set-back within its plot. The roof ridge would be raised by 2.4 metres and would stand higher than the neighbour's roof ridge. Consequently, the considerable increase in height of the appeal dwelling as a result of the proposal and its position on higher ground to the south of Sheepleas Cottage would mean that the neighbouring occupants would undoubtedly suffer a loss of light to their rear patio area and living room, therefore adversely impacting their living conditions. I do not find, however, that the development would result in overlooking and a loss of privacy as the two proposed rooflights would serve bathrooms and, in any event, I am satisfied that they could reasonably be conditioned to be obscurely glazed.

13. The proposal also comprises several first-floor windows within the southern elevation that would face the neighbouring property to the south, known as Filkins. In light of the separation distance between the two buildings and the tall, mature vegetation along the common boundary, I consider that there would not be the potential for overlooking or an unreasonable loss of privacy for the neighbouring occupants. Furthermore, the proposal would not result in a loss of light for the occupiers of Filkins given the position of the building to the southeast of the appeal property.

14. The proposal would therefore adversely impact on the living conditions of the occupants of the neighbouring property at Sheepleas Cottage with regards to a loss of light. It would conflict with saved policy G1(3) of the Guildford Local Plan (2003) and the NPPF which together seek to ensure new development does not negatively affect the amenity of neighbouring occupants.

Other considerations

15. The NPPF states that inappropriate development should not be approved except in very special circumstances, and 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.

16. In this regard, the appellant has highlighted that other properties in the vicinity have been enlarged and that this therefore sets a precedent for the development. The property at No.2 Sunnyside is not directly comparable to the the appeal dwelling as it is semi-detached and is not located in a prominent elevated position. The extensions granted permission at 2 Sunnyside also appear proportionate and tie in well with the host dwelling. The proposal also differs from the other developments referred to given the awkward position of

the appeal dwelling set back from the building line and lying in very close proximity to the neighbouring property at Sheepleas Cottage. Furthermore, whilst the extensions granted at the other sites may be similar or larger in terms of floorspace uplift, the figures quoted by the appellant do not factor in matters such as volume, height, visual perception or visual bulk. Therefore, although similar in terms of percentages, they are not similar in terms of form and appearance. In any case, each proposal should be assessed on its own merits and this is the approach I have adopted. Accordingly, I can only attach limited weight to this matter in my consideration of this appeal.

17. Furthermore, the appellant has drawn attention to a fallback position through the Permitted Development process emphasising that larger extensions could be erected. However, I have not been provided with any details or plans demonstrating accurate comparisons of the schemes. Furthermore, in the absence of details of the grant of a Lawful Development Certificate or a prior approval for alternate works, I am not persuaded that there is any certainty regarding the likelihood of such a scheme being implemented. For these reasons, only limited weight is attached to this consideration.

18. The appellant has also highlighted that the existing dwelling has maintenance issues having not been subject to any significant improvements since the 1950s and that therefore the proposed development is necessary for improved living conditions. However, it is not clear why maintenance issues would justify the extent of works as proposed and that the amenity of neighbours should be compromised as a result. I do not therefore give more than very limited weight to this consideration.

19. I acknowledge that the proposed scheme is more modest in scale than what may have been proposed at the pre-application stage, but this does not have any bearing on my decision. Similarly, I sympathise with the appellant with regards to delays and communication issues with the Council however this does not factor in my assessment of the planning issues of this appeal. I do not therefore attach any significant weight to these matters.

Planning Balance and Overall Conclusion

20. I consider that the development would cause harm to the Green Belt by way of its inappropriateness and to its openness, and substantial weight should be given to these harms. It also would adversely impact the living conditions of the neighbouring occupants. The combined weight of the other considerations in this case is modest and does not outweigh the substantial harm I have identified. I conclude therefore there are no very special circumstances to justify the development.

Recommendation

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

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

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

Martin Seaton

INSPECTOR