



Appeal Decision

Site visit made on 3 May 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: 20 September 2022

Appeal Ref: APP/A3655/D/21/3284099

Sutton Green House, Foxes Path, Sutton Green, Guildford, GU4 7QY

- 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 Apperley against the decision of Woking Borough Council.
 - The application Ref PLAN/2021/0526, dated 5 May 2021, was refused by notice dated 10 August 2021.
 - The development proposed is the demolition and reconstruction of rear extension and extension thereto. Internal changes and changes to fenestration, reduction in chimney height. Replacement entrance gates, associated landscaping.
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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 and conciseness, the description of development in the header above is based on the Council's decision notice.

Main Issues

4. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the NPPF and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - The impact of the proposal on protected species, specifically bats, and;
 - 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

5. The appeal property comprises a detached two-storey dwelling set within a large, landscaped plot located in the Green Belt and the Sutton Park Conservation Area. The property is a Grade II listed building dating from the 16th century and featuring 18th and 20th century additions.
6. Paragraph 149 of the NPPF states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. Exception (c) addresses 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. Policy DM13 of the *Woking Development Management Policies – Development Plan Document* (the 'Local Plan') is consistent with this in that it also allows extensions to buildings providing they are not disproportionate additions over and above the size of the original building as it existed on 1 July 1948 or if it was constructed after the relevant date, as it was first built.
7. The proposed uplift in floorspace over that of the current building would be moderate with the resultant area increasing from an existing 281.43 sqm to 309.21 sqm as proposed, but from an original floorspace indicated by the Council to be 175.39 sqm. The Council states that the proposed extensions and alterations, combined with previous extensions, would represent a 76% increase in floorspace and a 38% increase in volume over the original building. The appellant contends that the 1970s additions to the south-eastern part of the property replaced or were built on the site of a previous building. Therefore, the appellant argues that the Council's floorspace calculations are inaccurate.
8. I have had regard to the historical Ordnance Survey maps provided as appendices by the appellant demonstrating there is evidence that the original building may have had a larger floor area than the floor area used as a baseline by the Council. It is however difficult to assess the accuracy of these maps and the nature of the built structure referred to. Nonetheless, the appellant states that the proposed extension would only represent a 15.80% increase in floorspace over and above the original building. Whilst the development plan states that proposals for extensions in the Green Belt which fall within the range of a 20-40% increase in size over the original building may be considered acceptable, national guidance does not refer to any numerical figures or calculations to measure 'proportionality'. The NPPF does, however, provide some other guidance on measuring 'proportionality', referring to 'size' which can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception.
9. It is considered that the proposed extension, although single storey, would introduce a considerable amount of built form and roofscape to the western side of the property resulting in significantly greater visual bulk. Whilst the uplift in floorspace would be moderate, the resultant western wing would appear unduly long and narrow and visually disproportionate in the context of the existing building. The considerable expansion of the roofscape would be excessive and the resultant building would appear significantly larger in volume. Therefore, I find that the scale of the extension would subsume the original dwelling and would therefore appear to be disproportionate.
10. 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, Policy DM13 of the Local Plan and Policy CS6 of the Woking Core Strategy which together seek to resist inappropriate development in the Green Belt.

Openness

11. Openness is identified in the NPPF as one of the Green Belt's essential characteristics. The additional bulk and mass as a result of the extension would materially impact on openness in a spatial aspect resulting in some limited harm to the Green Belt. Furthermore, the increase in floorspace and the volume of roofscape means the proposal would also have a greater visual impact on the openness of the Green Belt although this impact would be limited as the site's boundaries are well-screened with mature vegetation, and the development would only be partially visible from the open countryside to the southwest. For these reasons, the proposed development would result in an adverse impact on both the spatial and visual openness of the Green Belt.

Protected species

12. The Preliminary Ecological Appraisal (PEA) carried out on behalf of the appellant indicated the presence of identified bat droppings within the dwelling. In light of this, the proposal may have an impact on active bat roosts and therefore the PEA recommended further surveys to identify whether mitigation measures would be needed.
13. The appellant stated their will to accept the imposition of a condition in respect of bat surveys. However it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, to ascertain the likely impact on the species and allow any necessary mitigation to be secured. The failure to undertake and submit the details of such an assessment is a significant omission and prevents a full assessment of the relevant issues related to protected species, which is a matter which goes to the heart of the decision-making process for this appeal.
14. Given the above, the proposal has failed to demonstrate that the proposed development would not result in harm to protected species, specifically bats, due to the required further bat surveys not being obtained. It would therefore conflict with Policy CS7 of the Woking Core Strategy and the NPPF which together seek to ensure proposals do not have an adverse impact on protected species.

Other considerations

15. The NPPF highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, with substantial weight given to any harm to the Green Belt. 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 determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity. The appellant has submitted supporting evidence which sets out the specific needs and personal circumstances of a

family member and the contended justification for the need for the extension of the dwelling.

17. I have carefully considered the submissions and I am satisfied that consideration of the needs of the occupier would fall within the auspices of the PSED. However, although I recognise the importance that the provision of additional living accommodation would play in meeting these needs, no evidence has been submitted to demonstrate that the appeal proposal is the only feasible or realistic option for meeting the needs of the occupier. Whilst the enlargement of the property and the integration of a new bedroom and ensuite bathroom would undoubtedly provide for the prospective occupants, I am not persuaded that the form of development as proposed would be the only possible solution to the provision of the required accommodation.
18. For these reasons and based on the submitted evidence, I attach only moderate weight to the need to address the specific circumstances as presented in this instance in accordance with the PSED, and which must therefore weigh in support of the development.
19. The appellant also states that the proposal would allow for the removal of an outdated and sub-standard part of the property. I have attached only limited weight to this consideration as there is no evidence to suggest that the rejuvenation or removal of this part of the house could not be achieved without the extent and scale of development as proposed.
20. I am mindful that the appeal property is a Grade II listed building located within the Sutton Green Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. I also have a statutory duty, under Section 66 of the Act to consider the impact of the proposal on the special architectural and historic interest of the setting of nearby listed buildings.
21. In this regard, I have noted the conclusion of the Council's Heritage and Conservation Officer that the proposal would preserve the character and appearance of the conservation area and would not harm the significance of the listed building. On the basis of the submitted evidence and my own observations, I see no reason to disagree with these conclusions.

Planning Balance and Overall Conclusion

22. I consider that the development causes harm to the Green Belt by way of its inappropriateness and to its openness, and substantial weight must be given cumulatively to this harm. The proposal has also failed to demonstrate that the proposed development would not result in harm to protected species, a matter to which further significant weight must be attached. The weight attributed to the other considerations in support of the case is moderate and does not outweigh the substantial harm I have identified. I conclude therefore there are no very special circumstances to justify the development.

Recommendation

23. The proposed development therefore conflicts with the development plan taken as a whole and there are no other considerations, including the National Planning Policy Framework, that outweigh this conflict.

24. 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

25. 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