



Appeal Decision

Site visit made on 11 October 2022 by M Long BA (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2022

Appeal Ref: APP/R3650/D/22/3293155

Deepfield House, Guildford Road, Cranleigh GU6 8PP

- 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 Phil Bird against the decision of Waverley Borough Council.
 - The application Ref WA/2021/03087, dated 9 November 2011, was refused by notice dated 8 February 2022.
 - The development proposed is a first floor side extension.
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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.

Main Issues

3. The appeal site is within the Green Belt and therefore the main issues are:
 - whether the proposal constitutes inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - whether the proposal would harm protected species;
 - the living conditions of the neighbouring residents at Hascombe View, with regard to whether there would be a harmful loss of light; and,
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

4. The appeal site is a large, two-storey, detached dwelling set within a generous plot on the south-west side of Guildford Road. The dwelling has been extended on previous occasions, including a ground floor side extension which incorporates a flat roof and is located close to the property's north-west boundary. The neighbouring dwelling to the north-west, Hascombe View, is also situated close to the shared boundary but is set behind the appeal

dwelling. Its front elevation, which includes a ground floor window close to the boundary, is positioned a short distance behind the rear of the appeal dwelling.

5. The proposed development is a side extension that would extend the first floor of the appeal dwelling towards the north-west to provide an additional bedroom. The proposal would extend onto the flat roofed extension at ground floor level but would remain set in from the shared boundary with Hascombe View by a considerable distance. Due to the dwelling's significant set back from Guildford Road, there would be limited public views of the proposal.

Whether there would be inappropriate development in the Green Belt

6. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 outlines that the construction of new buildings should be regarded as inappropriate, save for a number of exceptions. One of these 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. According to the Officer's Report, the original building, defined as how the building existed in 1968, had a floor area of approximately 161.13 metres squared. The property has since been extended and currently has a total floor area of approximately 283.7 metres squared, representing a 76% uplift. While the proposed extension is relatively small in size, I must consider the cumulative effect of the proposal and the previous extensions which, when taken together, would result in a total floor area of approximately 304 metres squared. This would represent an 88.7% increase in total floor area which would be disproportionate over and above the size of the original building.
8. As such, the proposal would constitute inappropriate development in the Green Belt. It would therefore conflict with the Waverley Borough Local Plan Part 1: Strategic Policies and Sites, adopted February 2018, specifically Policy RE2 which seeks to prevent inappropriate development in the Green Belt.

Openness

9. Paragraph 137 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
10. The proposal would add bulk to the appeal dwelling, which reduce the openness of the Green Belt to some extent. However, given the small size and domestic setting of the extension, as well as the limited views of the proposal from Guildford Road and the neighbouring properties, the harm to openness would be very modest.
11. Overall, the proposal would detract from the openness of the Green Belt, albeit the effect would be limited by its size and the domestic context in which it would be viewed.

Protected Species

12. During the site visit I noted numerous mature trees in the surrounding vicinity and that the appeal dwelling is an older property. Therefore, there is a

possibility that there may be protected species located in the roof. ODPM Circular 06/2005 paragraph 99 recommends that '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 the planning permission is granted'. As the proposed extension would disrupt part of the existing roof, adequate survey information would need to be provided to demonstrate whether these protected species are present on the site and whether the proposal would be likely to harm the habitat.

13. Given the above, and without sufficient evidence to the contrary, the proposal has the potential to cause harm to protected species. As such, there would be conflict with Policy NE1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites which seeks development that ensures any adverse impacts on biodiversity are avoided, or if unavoidable, are appropriately mitigated. There would be additional conflict with retained Policy D1 of the Waverley Borough Local Plan 2002, which seeks to prevent development that would result in loss or damage to important environmental assets such as areas of ecological value.

Living Conditions

14. While a ground floor window at Hascombe View would be close to the shared boundary and the site of the proposed development, the extension would be sufficiently set in from the boundary to mitigate any undue loss of light to the neighbouring property. There would be no unacceptable material loss of light to this neighbouring window beyond the tall boundary treatment and existing ground floor side extension.
15. The Residential Extensions Supplementary Planning Document 2010 (SPD) states that the 45 degree rule should be used to ensure that development does not have an unacceptable impact on the neighbouring property regarding light. However, the SPD does not indicate that this rule must be applied in all cases. Furthermore, the SPD states the main test for acceptability will be an on-site judgement taking all the individual site circumstances into account. Given the proposal's set in from the shared boundary, the extension would not result in harm to the living conditions of the residents of Hascombe View and so would not conflict with the overarching aims of this document.
16. For these reasons, the proposal would not result in harm to the living conditions of the occupiers of the neighbouring property with regards to light. The proposal would therefore accord with retained Policies D1 and D4 of the Waverley Borough Local Plan 2002, which seek to ensure that development does not harm the amenities of occupiers of neighbouring properties, including material loss of natural light. It would also accord with Policy TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites which seeks to ensure that new development takes account of design guidance produced within Development Plan Documents and Supplementary Planning Documents.

Other Considerations

17. The proposed extension would provide an additional first floor bedroom which would enable a young family member to sleep upstairs. However, this is a private benefit for a single family and so I give this matter moderate weight.

18. The extension may result in a rebalancing of the appeal dwelling and the proposed materials would also add visual interest to the property. However, the extent of these benefits would be limited by the restricted views of the property and so would carry modest weight.

Other Matters

19. Concerns have been raised regarding the Council's lack of communication during the application stage. Nevertheless, this issue is not related to the specific planning merits of the appeal scheme, which must be the focus of this recommendation. There were no objections from neighbouring residents or the Parish Council, however, this is a neutral factor and so does not carry positive weight in my deliberation of this appeal.

Conclusion and Recommendation

20. The proposal constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The limited harm to openness and the potential to cause harm to protected species are also added to this harm. The lack of harm identified against the living conditions of the neighbouring residents is a neutral matter that does not carry any positive weight. Paragraph 148 of the Framework specifies that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. As mentioned above, the other considerations do not carry significant positive weight and so do not clearly outweigh the harm identified. As such, the very special circumstances that would be needed to justify the proposal do not exist.
21. The proposed development would not accord with the development plan, when considered as a whole. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

M Long

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.

K Taylor

INSPECTOR