



Appeal Decision

Site visit made on 29 November 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2022

Appeal Ref: APP/Y3615/D/22/3292218

Tamney, Wonham Way, Peaslake GU5 9PA

- 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 Ms Nicky Kumar against the decision of Guildford Borough Council.
 - The application Ref 21/P/02481, dated 29 November 2021, was refused by notice dated 21 January 2022.
 - The development proposed is demolition of single storey rear and side extensions and erection of rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
- the effect on the openness of the Green Belt; and
- would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other consideration so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether it is inappropriate development

3. The appeal site, containing a two-storey detached dwelling, is located in a residential area within the Green Belt. The existing dwelling has undergone a number of previous extensions to enlarge the original building. The proposed development would replace existing single storey side and rear projections with a new single storey rear extension.
4. Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include 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 P2 of the Guildford borough Local Plan: strategy and sites 2015-2034 (the LP) 2019 also indicates that development within the Green Belt will not be permitted subject to the list of exceptions identified by

the Framework. The policy is therefore generally consistent with the Framework's approach.

5. The Council has provided figures showing that the proposed development would result in an increase in the original floorspace of the dwelling by 52.75%, when combined with previous extensions. A plan provided by the appellant similarly shows that the floorspace would be increased by 51.5% from the original dwelling as it was in 1948. Although Policy P2 of the LP or the Framework does not specifically define what would constitute a proportionate extension, these figures demonstrate that the cumulative size of the existing extensions and the proposed development would be significantly larger than that of the original dwelling.
6. Not only would the proposal and the existing extensions result in a building which has a substantially larger floorspace than the original dwelling, it would result in significantly more built form on the appeal site when compared to the original building. Furthermore, although only single storey in nature, the proposal would give rise to a substantial increase in the bulk and massing of built form to the side and rear of the property, which could not be considered proportionate in size to the original building.
7. Consequently, the proposed extension along with previous extensions would result in a level of built form on the site which is disproportionate in size to the original building. It would therefore not fall under the exception in paragraph 149 (c) of the Framework, relating to the extension or alteration of a building. The proposal would therefore be inappropriate development within the Green Belt. This would be harmful to the Green Belt, which in accordance with paragraph 148 of the Framework, should be given substantial weight.

Openness

8. In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
9. The proposed extension would be located to the rear of the dwelling. Although the appeal site is located on a corner plot, due to its single storey nature, it would have limited visibility from the road. As such, the proposal would not erode the visual openness of the site. However, the proposed extension would be larger than what it is replacing and would introduce additional built form on the appeal site, with a greater floorspace and overall massing than the current dwelling. Due to this, the proposal would have a spatial impact on the openness of the Green Belt. Therefore, although there is no visual impact, the proposed development would have a spatial impact on the openness of the Green Belt, in that it would be reduced.
10. The Framework makes it clear in paragraph 148 that substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, or any other harm, is clearly outweighed by other considerations, which will be considered below.

Other Considerations

11. Several other developments have been outlined by the appellant which are also located within the Green Belt and were granted planning permission. I will consider each of these developments in turn.
12. Firstly, the development approved at Lavender House¹ resulted in a significant increase in the floorspace of the original dwelling. However, it was found that the additions would appear proportionate and reasonable in scale to the dwelling as originally built. For the development approved at Beechwood² the Council stated that the increase in floorspace may not give rise to a disproportionate addition compared to the size of the original in mathematical terms, which the Inspector agreed with. Lastly, the development approved at Briarwood³ resulted in an increase in roofspace but a reduction in the footprint of the building. Therefore, this was considered a proportionate addition.
13. Although not referred to by the appellant in their statement, an appeal decision for Fallows End⁴ was submitted as part of this appeal, granting planning permission for an extension to a dwelling within the Green Belt. However, this was prior to the publication of the Framework and therefore was considered under different parameters.
14. Nevertheless, unlike the appeal proposal, each of these developments were found to be proportionate additions to the original dwelling and, as such, are not directly comparable to the appeal proposal before me. Therefore, whilst some latitude may exist with regard to mathematical percentage increases, this would not negate the need to consider any increases in the overall bulk and massing of the building along with existing extensions, as I have done in this instance. As such, these developments attract limited weight in support of the proposed development.
15. The Council has raised no concerns with regard to the impact of the proposed development on the character and appearance of the dwelling and the surrounding area or the impact upon the living conditions of neighbouring occupiers. It is also noted that no objections were received from the Council's AONB planning advisor and there were no letters of objection received from third parties. However, these are neutral factors only in my consideration of this case.
16. The appellant also considers that the proposed development would respond positively to the prevailing characteristics of the area and that factors such as materials could be controlled by conditions. Again, this is a neutral factor only which would not weigh for or against the proposed development.

Green Belt Balance and Conclusion

17. The proposal would be inappropriate development in the Green Belt in that it would result in disproportionate additions over and above the size of the original building. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will

¹ APP/Y3615/D/14/2221679

² APP/C3620/D/21/3269627

³ MO/2013/1033PLAH

⁴ APP/Y3615/A/08/2088194

not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

18. I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policy P2 of the LP which seeks to protect the Green Belt, along with paragraphs 147, 148 and 149 of the Framework.
19. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR