



Appeal Decision

Site visit made on 23 February 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Appeal Ref: APP/Y3615/D/22/3305071

Beech Cottage, Wisley Lane, Wisley GU23 6QN

- 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 Neel Ramanandi against the decision of Guildford Borough Council.
 - The application Ref 21/P/02168, dated 13 October 2021, was refused by notice dated 22 July 2022.
 - The development proposed is part single/part two storey rear/side extensions (part retrospective).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Neel Ramanandi against Guildford Borough Council. This is the subject of a separate Decision.

Preliminary Matters

3. In the banner heading above, I have used the description of the development from the application form, omitting any text that is unnecessary to accurately describe the development.
4. At the time of my site visit, I could see that work had commenced on site albeit was unfinished, with extended parts of the dwelling wrapped in black sheeting. The full extent of the work already carried out was therefore unclear.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

6. The site is located within the Metropolitan Green Belt. Policy P2 of the Guildford Borough Local Plan 2019 (the Local Plan) indicates that The Metropolitan Green Belt will continue to be protected against inappropriate development in accordance with the Framework. The Framework identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. Paragraph 149 of the Framework indicates that, other than in connection with a closed list of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The exceptions include (c) 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. This requires an assessment of the size of the extension relative to the individual building to be extended, as shown within the appeal site. It does not include consideration of adjoining buildings outside of the appeal site. The exception in paragraph 149(c) also does not factor in any visual impacts of the proposal or any effect on openness.
8. The appeal scheme comprises extension of the existing dwelling to the side and rear at both ground and first floor. There is no evidence before me to suggest the provision of the development plan or local guidance contains specific limits and the Framework does not provide a definition of 'disproportionate additions'. This is therefore a matter of planning judgement. There are different ways of assessing and measuring the proportionality of an extension and, as there are no volumetric measurements before me, I consider it reasonable to look at the overall size increase in terms of floor space, footprint, and external dimensions.
9. The Council state the original building has a floor space of 96.0m², not accounting for a later rear conservatory that appears to have now been removed, and this aligns with the appellant's own measurements. However, there is some disagreement between the parties over the uplift in floorspace resulting from the extension. The Council consider this to be 70.8m², indicating an increase of over 70%, whereas the appellant states the uplift is only 60.0m², an increase of 62%.
10. Even if I were to agree with the appellant on the lower figure, the appeal scheme would still represent a substantial increase in the floor space of the original building. With respect to the building's footprint, the increase would be even greater in percentage terms. The projection to the rear would also considerably increase the depth of the building at ground floor, though the increase at first floor would be less significant.
11. The ground floor sideward projection would be considerably more modest. There would also be no sideward extension at first floor. The width of the building would therefore not increase significantly. Likewise, there would be no increase in the overall height of the building.
12. However, I do not consider these factors negate the substantial increase in footprint, floorspace and depth. I therefore consider that the appeal scheme would represent a disproportionate addition over and above the size of the original building. It therefore does not benefit from the exception set out in paragraph 149(c) of the Framework and would be inappropriate development in the Green Belt when assessed against this criterion.

Effect on openness

13. Openness is an essential characteristic of the Green Belt. The Courts have found that the word “openness” in this context is open textured, and several factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. The matters relevant to openness are therefore a matter of planning judgement, and the openness of the Green Belt can have a spatial aspect as well as a visual aspect.
14. The appeal property is set back some distance from Wisley Lane, however views can be achieved across the intervening field towards the site and the collection of neighbouring dwellings. From this perspective, the proposed extension would be seen between neighbouring dwellings and trees. The projection of the proposal beyond the rear elevation of the host dwelling and adjoining neighbour (Elm Tree Cottage) would be apparent, particularly at first floor, eroding the openness of the site and surrounding area.
15. The site benefits from a considerable amount of tree and shrub planting along its boundaries to the side and rear, which provides some enclosure to it and already curtails its openness to some extent. This would screen the proposed extension from some vantage points, as would its position behind the host dwelling, mitigating some of the harm to openness.
16. The appeal proposal would nevertheless substantially increase the footprint, floorspace and depth of the existing building and in doing so would harm the openness of the Green Belt in both visual and spatial terms. This would be mitigated to some extent by the factors mentioned above. However, paragraph 148 of the Framework is clear that substantial weight should be given to any harm to the Green Belt. This therefore weighs heavily against the proposal.

Other considerations

17. I recognise that were the appeal proposal to be allowed, this would enable the appellant to complete the extension and would improve their living conditions. However, I am not persuaded that the scale of the proposal before me is the minimum necessary to achieve this.
18. I also acknowledge that Elm Tree Cottage has already been extended quite considerably. The full details of the planning history of this property are not before me. However, the appellant has provided a copy of a Council officer report pertaining to a retrospective application for a single storey rear extension and single storey front extension at Elm Tree Cottage. This report concluded that the extensions to this property overall represented a disproportionate increase in size. However, these extensions, at least in part, appear to have benefitted from very special circumstances derived from a fallback position relating to what could be erected through permitted development rights, and the comparative impact of this on the Green Belt.
19. The appeal proposal itself would not benefit from permitted development rights, and no alternative fallback position pursuant to the property’s permitted development rights has been advanced by the appellant in this case. It is therefore not clear to me that there is greater than a theoretical possibility of permitted development rights being utilised in this instance or if this would amount to development that would be more harmful to the Green Belt than the appeal proposal. Based on the information before me, there therefore appears

to be material differences between the appeal scheme and the applications put forward for the adjoining property.

20. Similarly, my attention has been drawn to other larger developments along Wisley Lane, including the redevelopment of RHS Garden Wisley and improvements to the M25 Junction 10 / A3 Wisley interchange. However, no further information has been provided. The nature and context of these proposals are nevertheless clearly substantially different to the appeal scheme. Ultimately, each case must be considered on its own merits, and this does not lead me to a different conclusion on the main issues.
21. While permitted development rights for further extensions could be removed from the appeal site by way of a planning condition, this would not overcome the identified harm to the Green Belt arising from the appeal proposal.
22. I recognise that the appellant has evolved the appeal proposal having taken account of the previous refusal of planning permission on this site. However, that does not alter my conclusions on the merits of what is before me.
23. Additionally, while the proposal may comply with other parts of the development plan, local guidance or national policy, the absence of harm or development plan conflict with respect to other relevant matters is neutral and weighs neither for nor against the proposal.

Conclusion

24. The appeal proposal comprises inappropriate development that is harmful to the Green Belt. I give this harm substantial weight as required by the Framework. I have considered the matters put before me in favour of the scheme. However, there are no other considerations that clearly outweigh the substantial weight I have afforded to the Green Belt harm arising from the proposal. Consequently, the very special circumstances necessary to justify the development do not exist.
25. The proposed development conflicts with the development plan, taken as a whole, and I have found no material considerations that indicate the proposal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR