



Appeal Decision

Site visit made on 21 March 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2023

Appeal Ref: APP/Y3615/D/22/3294721

Bowline Cottage, Rad Lane, Peaslake, Guildford GU5 9PB

- 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 Brian Hurst against the decision of Guildford Borough Council.
 - The application Ref 21/P/01311, dated 8 June 2021, was refused by notice dated 20 December 2021.
 - The development proposed is described on the application form as, "To demolish a double garage and replace with a triple garage and store".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal the Council adopted the Guildford Borough Local Plan: Development Management Policies (adopted 22 March 2023) (DMP) which supplements the policies in the Guildford borough Local Plan: strategy and sites 2015 – 2034 (adopted 2019) (Local Plan). As appeal decisions must be made on the basis of the currently-adopted development plan, the main parties were provided with an opportunity to comment on the relevance of the DMP to this appeal. I have taken the comments received into account in my determination of the appeal.

Main Issues

3. 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;
 - the effect of the proposal on the character and appearance of Bowline Cottage and the surrounding area; 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 Inappropriate Development

4. The appeal site is in the Green Belt. Policy P2 of the Local Plan provides that, amongst other things, the Metropolitan Green Belt, as designated on the Policies Map, will continue to be protected against inappropriate development in accordance with the Framework.
5. The Framework establishes that the construction of new buildings within the Green Belt is inappropriate development. There are however a limited number of exceptions to this, as set out in paragraph 149 of the Framework. In this regard, the Council has referred to *Dawe*¹, which held that that an outbuilding could be considered as a normal domestic adjunct of the host property and hence an extension to it, even though it is a detached structure. Whilst *Dawe* made reference to the now-superseded PPG2, the equivalent provision to that considered in *Dawe* is now paragraph 149 c) of the Framework.
6. Paragraph 149 c) refers to 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. A garage and store is a normal domestic adjunct and as the proposed development would be sited close to Bowline Cottage and would be of a smaller size than Bowline Cottage, I consider that the proposed triple garage and store could be considered to be an extension of a building. As outbuildings are buildings, the fact that habitable space may not be present within an outbuilding does not mean that the exceptions provided at paragraph 149 are not applicable.
7. Policy P2 differs from the Framework in that under the heading 'extensions or alterations' it provides that, "... the "original building" shall mean either: i. the building as it existed on 1 July 1948; or ii. if no building existed on 1 July 1948, then the first building as it was originally built after this date...".
8. Reference has been made to appeal decision Ref APP/Y3615/C/07/2043970 and a quote taken from that decision has been provided. In this regard, I note the reference to the definition of 'original' given in the General Permitted Development Order (GPDO) but that definition relates to the interpretation of the GPDO in the context of the application of permitted development rights, whereas permitted development rights are not under consideration in this appeal. In any event, as Policy P2 is a relevant and currently-adopted development plan policy, I am required to have full regard to it. Additionally, paragraph 149 c) of the Framework specifically refers to 'size', in considering whether any disproportionate additions over and above the original building would occur, which accordingly is the focus of my assessment under paragraph 149 c).
9. According to the information before me, at some point in time a bungalow was built on site (Building A). Building A was demolished and replaced by the current dwelling on site (Building B) (approved in 2008).
10. It is clear then, that as Building A existed in 2008, Building A was either the building that existed on 1 July 1948, or if no building existed on 1 July 1948, Building A was the first building built after that date. As such, taking account of

¹ *Sevenoaks DC v SSE & Dawe* (QBD 13.11.97 CO1322-97)

the provisions of Policy P2, Building A is the original building for the purposes of paragraph 149 c).

11. The Council have stated that Building A had a floor area of approximately 132 square metres, and that the proposed development (including Building B as it currently stands) would have a floor area of approximately 304 square metres. The figures provided by the appellant differ, but as these appear not to be based on Building A, I consider that the Council's figures are more persuasive.
12. On this basis, the proposal clearly constitutes a very significant uplift in floor area over and above the size of Building A. The proposal would therefore result in disproportionate additions over and above the size of the original building, meaning that the proposal would not benefit from the exception given at paragraph 149 c) of the Framework.
13. Turning to paragraph 149 d) of the Framework, which relates to the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, criterion (2)(b) of Policy P2 provides that a new building will only constitute a "replacement" if it is sited on or in a position that substantially overlaps that of the original building, unless it can be clearly demonstrated that an alternative position would not increase the overall impact on the openness of the Green Belt. It is common ground between the main parties that the proposal would meet this requirement, and I have no evidence to indicate otherwise.
14. The existing garage is approximately 5.80 metres wide, approximately 5 metres deep, and approximately 4 metres tall, whereas the proposed garage and store would be approximately 12.50 metres wide, approximately 8.35 metres deep, and approximately 5.10 metres tall. Accordingly, the proposed garage and store would clearly be materially wider, deeper, and taller than the existing garage, meaning that it would be materially larger than the existing garage. It follows that the proposal would not fall within the exception given at paragraph 149 d) of the Framework.
15. As such, I find that the proposal would represent inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

16. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
17. As mentioned on the first main issue above, the proposed garage and store would be materially larger than the existing garage. In particular, it would be considerably wider and taller than the existing garage. Given this increase in bulk on site, the openness of the Green Belt would be reduced in both visual and spatial terms. Although, considering the secluded nature of the site which is accessed from a narrow private road, the impact to openness would be limited and localised, harm would nevertheless result to the Green Belt.

Character and Appearance

18. Bowline Cottage is an attractive detached 2-storey dwelling which has previously been extended. The proposed triple garage and store would be a wide and deep structure relative to the size of Bowline Cottage, and given its height, stated to be approximately 5 metres, it would be a structure of considerable bulk and massing situated in close proximity to Bowline Cottage. Considering this, and as it would be positioned to the front of Bowline Cottage rather than to the side or the rear, it would constitute a visually competitive addition relative to Bowline Cottage. The outer long garage would obscure the double garage somewhat, but not from all angles, and not from nearby views towards the south elevation of the proposed garage and store.
19. As such, it would undermine the visual primacy of Bowline Cottage in its plot and would detract from its attractive design. The varied shape of the roof form across the garage element would exacerbate these effects. The fact that, as stated on the first main issue, above, the proposal would accord with criterion (2)(b) of Policy P2, in relation to the proposal overlapping the original building, is not a factor which would mitigate the harms identified.
20. As stated on the second main issue, above, the site is accessed from a narrow private road. The dwellings present along that private road are separated from surrounding development by fields to the south and east. Consequently, public views of the proposed garage and store, if any, would be very limited. However, this does not alter the harm that the proposal would cause to the appearance of Bowline Cottage.
21. I therefore find that the proposal would have an unacceptable and harmful effect on the appearance of Bowline Cottage. It would conflict with criterion (3) of Policy D1 of the Local Plan which provides that, amongst other things, new development shall be of a high quality and inclusive design. The proposal would also conflict with paragraph 130 c) of the Framework which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment.

Other Considerations

22. The Framework makes it clear at paragraph 148 that substantial weight is given to any harm to the Green Belt. It establishes 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.
23. It is common ground between the main parties that the proposal would conserve the landscape and scenic beauty of the Surrey Hills Area of Outstanding Natural Beauty and the Area of Great Landscape Value. I have no evidence to indicate otherwise. However, these are neutral matters, which do not weigh in favour of the proposal. In terms of the planning merits of the proposal, any support for the proposal from the occupiers of neighbouring properties is also a neutral matter.
24. The appellant has mentioned that the existing garage does not comply with the Council's size rules and is substandard. The proposed replacement garage would alleviate these issues, and would also allow for extended water

collection. As these are mainly private benefits, they have been given limited weight in favour of the proposal.

25. The proposal would provide the opportunity for solar panels to be installed on the roof of the proposed garage. This would assist in the charging of electric vehicles and provide extra power to Bowline Cottage, with any surplus electricity to be returned to the grid. Additionally, the proposal would provide space for a heat pump, thereby enabling the removal of a gas boiler. The appellant has calculated that this would result in approximately 65 / 70% reduction in electricity usage, and this figure has not been disputed by the Council.
26. Nevertheless, whilst Policy D15 of the DMP supports climate change adaptation, the proposal before me does not incorporate solar panels or a heat pump. As the proposal itself does not inherently provide benefits in meeting the challenge of climate change (apart from providing a space for the storage of electric vehicles), with no mechanism before me to secure the installation of solar panels or a heat pump, the benefits of the proposal in these respects are largely indirect and modest, resulting in no more than moderate weight in favour of the proposal. A link to a website has been provided, but as no copy of the relevant article has been provided, I have not been able to take this into account, meaning that my findings remain unchanged.

Balancing of Considerations

27. The proposal would be inappropriate development in the Green Belt and would result in a reduction in its openness. These matters carry substantial weight. Additionally, the proposal would have an unacceptable and harmful effect on the appearance of Bowline Cottage, which is a matter to which I accord moderate weight.
28. Given that the combined harms resulting from the proposal would result in at least substantial weight in opposition to it, with the benefits only providing marginally more than moderate weight in favour of it, as a matter of planning judgement I find that the other considerations in this case do not clearly outweigh the harm that I have identified.
29. Consequently, the very special circumstances necessary to justify the proposal do not exist. Therefore, the proposal would not comply with the Green Belt aims of Policy P2 of the Local Plan, or the Framework, and consequently would be unacceptable.

Conclusion

30. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR