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# Appeal Decision

Site visit made on 16 May 2023

**by R J Redford MTCP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 MAY 2023**

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**Appeal Ref: APP/R3650/D/22/3309006**

**The Hollows, Snowdenham Links Road, Bramley, Guildford GU5 0BX**

- 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 and Mrs C Hunt against the decision of Waverley Borough Council.
  - The application Ref WA/2022/00433, dated 18 January 2022, was refused by notice dated 8 September 2022.
  - The development proposed is the erection of extensions and alterations to existing dwelling following demolition of conservatory and annexe.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. Since the appeal was submitted the Council adopted the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) on 21 March 2023, which forms part of the development plan. The Council have confirmed which policies are now in place and the appellant has had opportunity to comment on them. I will therefore reference the revised policies in my decision.

## 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 it has upon the openness of the Green Belt; and
  - if the development is inappropriate whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## Reasons

*Whether the proposal would be inappropriate development in the Green Belt*

4. Paragraph 149 of the Framework states that the construction of a new building is inappropriate in the Green Belt but sets out 7 exceptions to this. Paragraph 149 c) allows for 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.

5. Policy RE2 of the Waverley Local Plan (Part 1) 2018 (LPP1) refers directly to the Framework. Criterion a) of LPP2 Policy DM14 sets out a similar test to Paragraph 149 c) of the Framework, and criterion b) expands on this stating that extensions or alterations which would increase floor space by 40% or more over the original building will normally be considered disproportionate.
6. The Framework does not provide a definition of 'disproportionate additions.' Therefore, an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building, is a matter of planning judgement. However, LPP2 Policy DM14 has recently been adopted and thereby is consistent with the Framework. Accordingly, the percentage provided by criterion b) would be a reasonable starting point for determining whether an extension would be disproportionate. Nevertheless, the use of the word 'normally' within the policy wording precludes the 40% threshold being used as a definitive value, and it is important that planning judgement is still engaged.
7. Although there is a discrepancy between the main parties' assessments of the original dwelling size and the size of that proposed, in both cases the numbers represent an increase of over 70%. Much of the proposed extension would be beyond the existing footprint of the host building and significantly increase its bulk. It would alter every elevation and enveloping the building's original form. Consequently, the proposal would physically and visually represent a disproportionate addition over and above the size of the original building.
8. Accordingly, the proposal would constitute inappropriate development, as described in Paragraph 149 of the Framework. As set out in Paragraph 147 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, a matter I will return to below.

### *Openness*

9. Paragraph 137 of the Framework indicates that openness is an essential characteristic of the Green Belt with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension.
10. The proposal would consolidate development within the site to around the main dwelling and remove the existing detached annex. The location of the appeal site, within a natural hollow, set back from Snowdenham Links Road and surrounded by similarly large residential properties, would also mean it would not be publicly visible. Therefore, I do not consider the proposal to affect the openness of the Green Belt. Nevertheless, the absence of harm would be a neutral matter that neither weighs for or against the proposal.

### *Other considerations*

11. The appellant has stated that a similar rear extension to that proposed could be achieved via permitted development and in November 2021 a certificate of lawful development (CLD) was issued. Regarding the proposed rear extension, I find it would not be more harmful to the Green Belt than that agreed under the CLD. However, the proposal is not limited to this element only and would

by substantially more harmful than that defined in the CLD. Accordingly, I attach only limited weight to this as a fallback position.

12. The appellant also states that the additional footprint proposed would be counter balanced by the demolition of the existing detached annex. However, this does not negate the proposed increase in size to the main dwelling, a singular building. I appreciate it alters the impact on the openness of the Green Belt, however as stated in my main issues this is a neutral factor.
13. The appeal site is in the Surrey Hills Area of Outstanding Natural Beauty (AONB). AONBs are designated for the purposes of conserving and enhancing natural beauty and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. The Council did not object to the appeal scheme in this regard and I agree that due to the design, the special qualities of the AONB would not be harmed.
14. The Council has also identified a lack of harm in respect of several other issues, including impact on the areas character and appearance, living conditions of future and neighbouring occupants, the nearby ancient woodland and biodiversity. However, as previously identified an absence of harm is a neutral factor.
15. The examples of both applications and appeals where the decision maker has considered that an increase in size above 40% of the original building was acceptable, were all been assessed under previous versions of the local plan. In those plans the percentage threshold was advisory and not part of a specific policy. Therefore, the policy position between the case before me and the examples highlighted are not comparable. Notwithstanding this these examples serve to emphasise the need to consider each scheme on its own merits when evaluating what constitutes disproportionate.

### **Planning Balance and Conclusion**

16. Very special considerations need to clearly outweigh the substantial weight given to any harm to the Green Belt, and any other harm resulting from the proposal.
17. The other considerations do not clearly outweigh the totality of harm to the Green Belt, by reason of inappropriateness. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development would therefore be contrary to LPP1 Policy RE2, LPP2 Policy DM14, and the Framework.
18. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed

*RJ Redford*

INSPECTOR