



Appeal Decision

Site visit made on 1 August 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/Y3615/D/22/3313609

Bowline Cottage, Rad Lane, Peaslake 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 B Hurst against the decision of Guildford Borough Council.
 - The application Ref 22/P/00191, dated 29 January 2022, was refused by notice dated 21 November 2022.
 - The development proposed is to demolish garage and car port and replace with a double garage and store.
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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 National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt
 - 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

3. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraph 149 of the Framework.
4. It is clear from the LPA's evidence that they find harm to the Green Belt in this regard. Of relevance to this appeal is that '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' is listed as an exception in paragraph 149c.

5. The proposed garage would be used for parking cars and bikes as well as storage for equipment associated with heating, powering and supplying water to the dwelling. It would be located between 5.6m- 2.6m away from the main dwelling. As such it would be a normal domestic adjunct. Therefore, in the circumstances of this case it would be an extension. This follows the approach of the Inspector for the appeal APP/Y3615/D/20/3258091, to which I have been referred.
6. Policy P2 of the Guildford borough Local Plan: strategy and sites 2015-2034 (2019) (the Local Plan) defines the original building as 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. I am referred to the appeal decision APP/Y3615/C/07/2043970, although I am not provided with full details. Nevertheless, this decision appears to be somewhat dated, and therefore I have nothing to indicate that this decision would have had regard to the definition of the original building taken from the adopted development plan. As such this does not persuade me that this appeal should be determined other than in accordance with the development plan.
7. Planning permission was granted in 2008 for a replacement dwelling on this site. There have also been subsequent permissions for a garage, orangery and single storey side extension. The existing house and garage are agreed to be around 250sqm. Prior to this the LPA state that a 135sqm bungalow was on this plot, and it has assessed the proposal on the basis that the bungalow existed on 1 July 1948. This is not disputed by the appellant. As such, taking all the above into account the bungalow is the 'original building' for the purposes of this appeal.
8. The LPA states that the proposed garage would have a floor area of 45sqm, an increase of 16sqm from the existing garage. The resultant dwelling and garage would therefore have a combined floorspace of around 265sqm. On its own the increase proposed in this scheme would be small. However, the Framework is clear that I must consider this along with any other additions over and above the size of the original building (the 135sqm bungalow). This would result in around a 95% increase in floorspace from the original building.
9. Almost doubling the floor area of the original building, including a change from a bungalow to a two storey dwelling with a substantial outbuilding would result in a considerable increase in bulk and scale on this site. There would therefore be overly large, disproportionate additions relative to the size of the original building.
10. Consequently, for the reasons described above, the appeal scheme is inappropriate development in the Green Belt both in the terms of the Framework, the aims of which are set out above and Policy P2 of the Local Plan which broadly echoes these requirements.
11. I am referred to a planning decision in Shackleford (21/P/00540) where it was determined that the proposal would not encroach into the wider countryside and so not contribute to urban sprawl nor the merging of separate settlements. However, this does not alter my assessment of whether the appeal before me now would be inappropriate development as defined by the Framework, as set out above.

Openness

12. Openness has both spatial and visual dimensions. Spatially the proposed development would increase the footprint, both in terms of the depth and width of the garage. The height of the pitched roof would also increase. The proposal would therefore introduce development where previously there was none and so there would be harm to spatial openness. Visually, although views would be limited, the garage would be visible from the access to the adjoining property. Although the extent of this effect would be minor, nevertheless, for these reasons there would be a harmful impact on the openness of the Green Belt compared to the existing development.
13. Consequently, for the reasons above, the proposed development would be harmful to the openness of the Green Belt. Therefore, it would be contrary to the Framework and Policy P2 of the Local Plan in this regard.

Other Considerations

14. The proposed development would provide space for solar panels and a ground source heat pump and rainwater recovery, which would make a positive contribution to reducing carbon emissions and water usage. However, these benefits relate to this individual property only and as such would be limited in their scale. The proposed development would also provide increased security to the garage, and new doors are proposed. Although, I have no reason to believe that this could not be achieved without the increase in size of the garage. It would also provide increased space for car parking, which would enable two cars to park. However, taking into account the existing parking arrangements in this area, this would mainly be a private benefit and therefore I afford this minimal weight.
15. The development is proposed in materials and a design to match the house, and no harm to character and appearance has been identified. The LPA also state that there would be no harm to the Area of Outstanding Natural Beauty nor the Area of Great Landscape Value. Although, for clarity, this assessment is separate from the assessment of the effect on the Green Belt, where the officers report is clear that there would be harm. Nor is any harm identified to neighbouring amenity. Based on the evidence before me, I agree with these assessments. Furthermore, there was no objection from the Parish Council. However, the lack of harm in these regards are neutral factors that do not weigh in favour of the development proposed.

Green Belt Balance

16. The Government attaches great importance to Green Belts. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and effect on openness. These issues are not outweighed by the considerations advanced by the appellant. Therefore, the other considerations in this case, even when considered together, do not clearly outweigh the harm that I have identified.
17. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with paragraph 148 of the Framework and Policy P2 of the Local Plan the aims of which are set out above.

Other Matters

18. I note that the appellant was not satisfied with the lack of pre application advice and length of time that it took between submission and the date of the Council's decision. However, this does not affect the planning merits of the case and as such it does not alter my decision.

Conclusion

19. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR