



Appeal Decision

Site visit made on 5 September 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2023

Appeal Ref: APP/Y3615/D/23/3315131

Springfold House, Shophouse Lane, Albury, Guildford GU5 9EQ

- 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 & Mrs M Jacklin against the decision of Guildford Borough Council.
 - The application Ref 22/P/00619, dated 4 April 2022, was refused by notice dated 11 October 2022.
 - The development proposed is first floor rear extension over existing orangery, enclosing of existing open porch and changes to the fenestration.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. From the evidence before me, the Council raises no objection to the proposed changes to the fenestration beyond those resulting from the proposed first floor extension and the enclosure of the existing porch, and I find no reason to disagree. Therefore, the main issues are:
 - whether the proposed development 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 upon biodiversity and protected species; and
 - whether the 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

3. The appeal site lies within the Metropolitan Green Belt, and it is within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and within an Area of Great Landscape Value (AGLV). The host property is sited within a large plot, largely screened by vegetation to its boundaries, and the proposal would be largely screened from the public realm.

Inappropriate Development

4. The Framework identifies that 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; and that the construction of new buildings within the Green Belt is inappropriate development.

5. There are however a limited number of exceptions to this, as set out in the Framework, including that at paragraph 149 c) which 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 building¹. Policy P2 of the *Guildford borough Local Plan: strategy and sites 2015-2034, April 2019* (LP) broadly conforms to the Framework in this regard. The Framework does not provide a definition of 'disproportionate additions' and neither does Policy P2. Therefore, an assessment of whether a proposal would amount to a disproportionate addition is a matter of planning judgement.
6. From the evidence before me, the original building benefits from previous extensions and additions. By itself, the proposal would be a modest addition of about 11.9m² to the existing dwelling.
7. The main parties have provided different calculations of the original footprint of the dwelling, together with the existing and proposed footprint. The Council calculates an increase of about 71.2% and the appellant calculates an increase of about 62%. Regardless of the differences between the main parties, an increase of 62% would be a significant uplift. From the evidence before me and my own observations, the proposed development would result in a significant increase to the volume of the original dwelling, due to the creation of further bulk and mass, including that arising from an enlarged roof to incorporate the first-floor extension. Therefore, the proposal would result in a disproportionate addition over and above the size of the original building in terms of both footprint and volume.
8. The appellant states that the Council has granted permission for extensions with an increased footprint of as much as 77%. However, I do not have details of the circumstances that led to that example being accepted and so I cannot be sure that it is directly comparable to the case before me, including in respect of national and local planning policy.
9. I therefore conclude that the proposed development would result in inappropriate development in the Green Belt, and it conflicts with Policy P2 of the LP and the Framework.

Openness

10. Openness is an essential characteristic of the Green Belt, and it 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.
11. The proposed enclosure of the existing open porch would have very little impact upon openness in both spatial and visual terms due to its scale and siting. The proposed first floor rear extension would be above the existing orangery. It would have a flat roof crown and be integrated into the existing rear roof slope. While it would not result in an increase to the overall depth and width of the existing dwelling, it would result in an increase in the volume of

¹ The Framework defines 'original building' as the building as it existed on 1 July 1948, or if it was constructed after that date, as it was built originally.

built form to its rear corner, thus resulting in a reduction in openness in spatial terms. Due to the limited views from the public realm, it would not result in a significant visual intrusion.

12. I therefore conclude that the proposed development would fail to preserve the openness of the Green Belt, even though limited in visual terms. It conflicts with Policy P2 of the LP and the fundamental aims of the Framework.

Biodiversity & protected species

13. Circular 06/2005 (ODPM) sets out that it is essential that the presence or otherwise of protected species and the extent to which they may be affected by a proposal is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. In this case, Surrey Wildlife Trust (SWT) advises that records indicate bat presence within the area and that the proposed development may affect structures that may provide suitable roosting, foraging and commuting habitat for bats. Furthermore, SWT advises that there is a reasonable likelihood of the species being present and affected by the development. In such circumstances, the circular is clear that a survey for protected species is required.
14. Paragraph 176 of the Framework refers to the conservation and enhancement of wildlife as an important consideration in AONBs. Paragraph 174 sets out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
15. In the absence of compelling evidence to demonstrate that there is no reasonable likelihood of protected species being present on or near the appeal site, nor whether there is a risk that they may be adversely affected by the proposal, and if so, what mitigation measures would be appropriate, I cannot rule out potential harm to biodiversity and protected species. Under these circumstances, I am not content to leave such matters to a condition.
16. The proposed development conflicts with Policy NE4 of the LP, which seeks to ensure that development does not adversely affect protected species, and their habitats. It conflicts with paragraphs 174 and 176 of the Framework, and it fails to comply with the provisions of the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended). I attach significant weight to this conflict.

Other considerations

17. The main parties agree that the design of the proposal would have no adverse impacts upon the character and appearance of the area, or upon the amenity of neighbouring occupiers, and I find no reason to disagree. Due to its scale, design and siting, the proposed development would conserve the landscape and scenic beauty of the AONB and would have no adverse impact upon the AGLV. However, the absence of harm in such matters is a neutral factor in my assessment, carrying neither positive nor negative weight, as is the absence of any objections from neighbours or the Parish Council.
18. The Council's report upon the planning application sets out a potential fallback position with regard to the exercise of permitted development rights under the GPDO². The report briefly sets out a scenario to demolish the existing orangery

² The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

and erect a two-storey extension that would effectively co-join the existing orangery with the proposed first floor extension. The report goes on to consider that the appeal scheme includes alterations to the roof, which could result in an increase in roof volume above that permitted by the GPDO.

19. Consequently, it is by no means certain that such a scheme would meet the requirements of the GPDO for both Class A (which covers the enlargement of a dwellinghouse) and Class C (which covers any alterations to the roof) in order to be permitted development. In the absence of any compelling evidence before me to demonstrate that a potential fallback position exists and that it would be a realistic prospect, I cannot be certain that it would be more harmful than the appeal scheme. Therefore, the potential fallback position is afforded very limited weight, and does not form a case for very special circumstances that might outweigh any harm arising from the proposal.
20. The proposal would result in an improvement to the amenities of the occupiers of the host property, to which I attach limited weight. The appellant contends that an extension to the existing dwelling would be less harmful to the environment, in terms of CO2 emissions, landfill, noise and impacts upon surrounding nature, rather than a scheme for a replacement dwelling. There is no substantive evidence before me to demonstrate this. Furthermore, a proposal for a replacement dwelling is not before me and I have considered the appeal scheme on its own merits. Consequently, this matter is a neutral factor in my assessment, carrying neither positive nor negative weight.

Green Belt Balance and Conclusion

21. The proposal would represent inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. In addition, openness is an essential characteristic of the Green Belt, so a reduction in openness would also be harmful, even if to a limited extent. I am also required to give substantial weight to any harm to the Green Belt.
22. In this case, it is clear that the limited benefit arising from the proposal would not outweigh the substantial and significant harms I have identified, and the very special circumstances necessary to justify the proposal do not exist.
23. For the reasons above, I conclude that the appeal should be dismissed.

J Moore

INSPECTOR