



Appeal Decision

Site visit made on 22 November 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th January 2024

Appeal Ref: APP/Y3615/D/23/3321059

Purse Ryde Cottage, Westwood Lane, Normandy, Surrey GU3 2JF

- 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 Mrs Elizabeth and Tyrone Bernal-Soria against the decision of Guildford Borough Council.
 - The application Ref 22/P/01881, dated 3 November 2022, was refused by notice dated 23 February 2023.
 - The development proposed is planning application for erection of 2 storey side extension, internal alterations, installation of 2 velux windows on the side roof slope and sun tunnels in the front and rear roof slopes.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's reason for refusal refers to the 2021 version of the National Planning Policy Framework (Framework). The Framework was updated in December 2023, and accordingly for the purposes of this decision I have referred to the latest version of the Framework. The content of the Framework has not been materially altered in respect of the main issue which I have considered. Therefore, it has not been necessary to seek further views from the main parties in this instance.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to 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 or not inappropriate development in the Green Belt

4. The appeal property is a historic two-storey detached dwelling located within a spacious plot. The site has woodland to the north, a raised railway

embankment to the south and fields to the west and east. Due to its position to the front of the plot, the dwelling is prominent in views from Westwood Lane.

5. The site is located within the Green Belt. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 states that the construction of new buildings should be regarded as inappropriate in the Green Belt, with the exception of, amongst other things, 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. The Framework defines the 'original building' as the building as it existed on 1 July 1948 or, if constructed after this date, as it was built originally. Policy P2 of the Guildford Borough Local Plan 2015-2034 (2019) (GBLP), which only permits new development where national Green Belt planning policy allows it, is broadly consistent with the Framework.
6. The Framework does not specify either in relative or absolute terms what might be a disproportionate addition, nor have I been referred to any such figures in the Council's development plan policies. 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. This could reasonably refer to volume, height, external dimensions, footprint, floorspace or visual perception.
7. The main parties agree that the proposal would increase the volume of the property, as originally built, by 63.2%, with an increase in floor area of 63.9%. Taking these figures into account, the proposal would result in a considerable increase in floorspace and volume. As this would be in the form of a two storey side extension the proposal would also have a significant bulk and massing.
8. I note that the ridge height of the proposed extension would be lower than the appeal property and the extension would also be slightly set back from the front of the original building. However, in my view, the appeal scheme would disproportionately change the size of the property. Whilst it would replace a single-storey lean-to projection, the proposed extension's height, width and projection forward from the lean-to's front elevation would add significant width to the property. This leads me to find that the proposal would undoubtedly result in disproportionate additions to the original buildings and thus would fail to meet the exception outlined by paragraph 154 c) of the Framework.
9. The appellant refers to the Council's emerging Green Belt Supplementary Planning Document (SPD). The Council has not referred to this document, and from the information before me it has not yet been adopted. Accordingly, I can only afford it limited weight in the decision-making process. Regardless, the wording of the SPD provided by the appellant confirms that an assessment to consider whether an extension is disproportionate would include consideration of the proposal's mass, bulk, external dimensions, footprint and height, and the extent of its visual perception. For the reasons outlined above, I have determined that the proposal would disproportionately change the size of the property.
10. The appellant also states that the appeal property sits within a large plot and that this is also one of the other factors that the SPD suggests warrants consideration. However, the site is located within the Green Belt where one of

the key functions is to keep land permanently open, and this is not a matter that attracts weight in favour of the proposal.

11. Therefore, the proposal is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

12. Paragraph 142 of the Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
13. Openness has both spatial and visual aspects. The proposal would substantially increase the footprint of the dwelling. Whilst set back from the front elevation and at a lower height than the main roof, the proposal would result in the introduction of two storeys of built form into space where currently there is only a much smaller single storey lean-to projection. The effect of the extension to the side of the house would add significant width to the property. This would have a harmful effect on spatial openness.
14. Given the prominence of the property within the street scene, the additional height and massing of the side extension would be readily perceived when viewed from Westwood Lane. This would have a harmful effect on visual openness, despite the fact that the building is set within a generously sized plot.
15. Therefore, I conclude that the proposal would not preserve, and would have a harmful effect on, the openness of the Green Belt. Given the scale of the proposal, I consider the harm to openness to be moderate. As such, the proposal would conflict with the provisions within the Framework which seek to preserve the openness of the Green Belt.

Other considerations.

16. The appellant has drawn my attention to a fallback position through the Permitted Development process, emphasising that extensions to the main dwelling could be erected under Schedule 2, Part 1, Classes A, B and C of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
17. Specifically, the appeal property benefits from a certificate of lawfulness for proposed development (22/P/01654) issued in December 2022 for the erection of a two storey rear extension and a single storey side extension with three roof lights into the existing roof following demolition of existing conservatory and utility room. The appellant suggests that the certificate of lawfulness provides a fallback position that would outweigh the harm to the Green Belt.
18. I have not been provided with floor area or volume increases for the fallback scheme. However, it appears from the drawings provided by the appellant that, although in a different configuration, the fallback scheme would add a similar floor area and volume to the original dwelling as the appeal proposal.
19. However, from the drawings, it appears that the fallback scheme would be less harmful to the visual openness of the Green Belt. This is because the additional

two storey extension would be positioned to the rear of the property, resulting in a more compact and less prominent built form than the appeal scheme. Whilst the fallback scheme involves a side extension, this would be single storey and would have a lesser visual and spatial effect on the openness of the Green Belt when compared to the appeal proposal.

20. The fallback's scheme's rear extension would be visible from the highway on the approach from the north. However, it would not be more visible, nor elongate the property more than the appeal proposal's two storey side extension.
21. I note that the appellant considers that the appeal proposal is a more sympathetic design than the fallback scheme. However, I do not find that the alterations at roof level, arising from the fallback scheme would be so prominent to cause significant harm to the character and appearance of the property or surrounding area.
22. Paragraph 148 of the Framework states 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. In that context, for significant weight to be afforded to a fallback position it would need to be clearly more harmful than what would be allowed by the scheme for which permission is sought.
23. For the above reasons I consider that the fallback scheme would not be more harmful than the appeal proposal. This tempers the weight that can be afforded to the fallback position.
24. The appellant has referred to other planning permissions¹ and an appeal decision² which concluded that proposals did not involve disproportionate additions over and above the size of the original building. In relation to the decisions at 10 Thompsons Close and 16 Walden Cottages, these both involved increases to the size of the properties which were greater than the appeal proposal when expressed as a percentage.
25. The planning permission at Maple Cottage involved an increase in floor area of 157% and increase in volume of 152%. However, from the drawings provided, the nature of the consolidated built form in that instance appeared to have limited impact on the openness of the Green Belt. In any event the proposal has been considered on an individual basis and the acceptance of other development referred to is of very limited weight.
26. The design of the extension, in and of itself, would have an acceptable impact on the character and appearance of the surrounding area and would not harm the living conditions of neighbouring occupiers. However, these factors would amount to a policy compliant scheme and would therefore be a neutral factor in this decision.
27. The appellant wishes to extend the house to enhance amenity within the property, particularly by improving the bedroom accommodation, whilst making better use of space. This is a personal desire but worthy of some limited weight in support of the proposal.

¹ 22/P/00958; 18/P/00423

² APP/Y3615/D/18/3204484

Planning Balance and Conclusion

28. Having regard to the development plan and national planning policy, the proposal comprises inappropriate development in the Green Belt. There would also be moderate harm arising from the proposal on the openness of the Green Belt.
29. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that substantial weight is given to any harm to the Green Belt.
30. Having taken account all matters raised in support of the proposal, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal conflicts with Policy P2 of the GBLP and the Green Belt provisions of the Framework.
31. For the reasons above, I conclude that the development would conflict with the development plan as a whole and the approach in the Framework. There are no other material considerations that require a decision to be made other than in accordance with the development plan, and the appeal should therefore be dismissed.

B Pattison

INSPECTOR