



Appeal Decision

Site visit made on 19 March 2024

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2024

Appeal Ref: APP/Y3615/D/23/3334086

Reculver, Chapel Lane, Pirbright, Surrey, GU24 0JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Sophie Saunders against the decision of Guildford Borough Council.
 - The application Ref 23/P/01321, dated 28 July 2023, was refused by notice dated 27 September 2023.
 - The application sought planning permission for replacement of existing front porch, erection of a single storey side extension and erection of a part single / two storey rear extension following the demolition of the rear conservatory and side storage. Existing façade to be renovated with a proposed white render finish without complying with a condition attached to planning permission Ref 22/P/01223, dated 19 January 2023.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans: 101, 102, 300, 203, 202 Rev 01, LP Rev P1, 201 Rev P1, and 100 Rev P1 received on 13/07/22, 09/08/22 and 12/01/23.*
 - The reason given for the condition is: *To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.*
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Decision

1. The appeal is allowed and planning permission is granted for replacement of existing front porch, erection of a single storey side extension and erection of a part single / two storey rear extension following the demolition of the rear conservatory and side storage. Existing façade to be renovated with a proposed white render finish at Reculver, Chapel Lane, Pirbright, Surrey, GU24 0JZ in accordance with the application Ref 23/P/01321 dated 28 July 2023, without compliance with condition number 2 previously imposed on planning permission Ref 22/P/01223 dated 19 January 2023 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of the original permission (i.e., LPA ref. 22/P/01223).
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LP Rev P1; 101; 102; 110; 211; 212 and 203A.
 - 3) The external finishes of the development hereby permitted, including making good to the retained fabric, shall match in material, colour, size, style, bonding, texture and profile those of the existing building.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Background and Main Issue

3. The appeal site comprises a detached two storey dwelling which has planning permission for extensions as described above. The appellant wishes to vary condition 2 of that permission to enable the substitution of drawings to allow a deeper rear extension. The Council's objection is on Green Belt grounds.
4. Therefore, the main issue is the effect of varying the condition on whether the development constitutes inappropriate development in the Green Belt.

Reasons

5. The appeal concerns a detached, two-storey dwelling, located within a deep plot. It is within a row of mainly detached houses of varying character and appearance which are similarly sited within large plots.
6. The site is within the Green Belt. The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt. This is subject to the exceptions listed in the Framework which include at paragraph 154 (c) '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 date of an 'original building' as 1 July 1948, or as originally built if constructed after that date.
7. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (2019) (LP) states that the construction of new buildings in the Green Belt will constitute inappropriate development, unless the building falls within the list of exceptions identified by the Framework. Therefore, it is consistent with the Framework and I see no reason why Policy P2 should not attract full weight.
8. Neither Policy P2 of the LP or the Framework define what constitutes 'disproportionate additions'. Therefore, an assessment of whether a proposal would amount to disproportionate additions over and above the size of the original building is a matter of planning judgement, having regard to the various attributes and facets of a proposed development.
9. The Council state that the 'original' dwelling had a floor area of around 119.08sqm. Previous extensions had resulted in its floor area increasing to 121.5sqm (excluding the side store which had been demolished), whilst the approved application (LPA ref. 22/P/01223) would result in a floor area of 187.2sqm representing an uplift of about 57.2%. They state that the proposed scheme would add a further 16sqm thereby equating to an increase of around 70% over that of the 'original' dwelling.
10. The appellant disputes the above figures as they state that the Council's measurements do not appear to have considered the side projection (since demolished) in their assessment of the 'original' dwelling. Figures provided by

the appellant suggest that that 'original' dwelling had a floor area of about 146sqm and that the appeal proposed would represent an overall increase in floor area of about 41%.

11. Details of the side projection are provided by the appellant in the form of the sales particulars of the dwelling. This gives me some doubts as to whether the Council's view upon what constitutes the original building is the correct one. However, I do not have sufficient substantive evidence before me to fully and adequately demonstrate whether or not the side projection formed part of the 'original building' as defined by the Framework. Therefore, I attribute the appellant's position only moderate weight.
12. Taking the Council's figures as a 'worse case' scenario, the proposal would result in a floor area increase of around 70% above that of the 'original' dwelling as defined by the Council. However, whilst this would be a relatively significant increase, a mathematical calculation of percentage increases in floor area alone may not be the overriding factor in determining whether the proposal would give rise to disproportionate additions.
13. The existing dwelling is two-storey, with a single storey conservatory on its rear elevation. The single storey side projection has already been demolished. The proposed extensions would be of the same design as the extensions approved under application ref. 23/P/01321 but would extend a further 1.7m to the rear of the dwelling at ground floor level. No alterations are proposed to the two storey element of the approved extensions and there would be no increase to the overall width or height of the single storey extensions as approved.
14. The ground floor rear extensions would have a relatively modest eaves and ridge height and given their limited scale and height; they would not be particularly prominent when viewed externally due to the site's well screened boundaries. The increase in the depth of the extension would be modest and I am satisfied that the form of the proposed extension would ensure the footprint and floor area would be viewed as proportionate to that of the 'original' dwelling.
15. I have not been provided with any volume calculations; however, the bulk and mass of the proposed part single / part two storey extension would not appear to be excessive compared to the 'original' dwelling, particularly taking into account the demolition of the rear conservatory extension and side projection. I am satisfied that overall, the proposed extensions taken in combination with previous additions would be subordinate and proportional to the size and scale of the original dwelling and that the proposed extensions would sit comfortably within the constraints of the site.
16. I therefore find that the proposed extensions, together with the previous additions to the dwelling, would not amount to disproportionate additions over and above the size of the original building.
17. As such, I consider that the varying of the condition would not give rise to inappropriate development within the Green Belt and would benefit from the exception in paragraph 154 (c) of the Framework. Consequently, there would be no conflict with Policy P2 of the LP.

18. Impact on openness is implicitly taken into account in the exceptions. As I have found the proposed development would not be inappropriate development because it meets the exception under paragraph 154 (c), there is no need to assess the effect upon openness, or, whether there are other considerations and whether they amount to very special circumstances to justify the development.

Other Matters

19. I have paid careful attention to the effects of the proposal upon the living conditions of the neighbouring occupiers including Little Orchard and Hideaway, taking into account the increased development from the original building. I note the Council's substantive assessment in respect of matters including outlook, daylight and overshadowing. Having regard to the siting and orientation of the neighbouring properties and the scale of the proposed development, I see no substantive reason to disagree with the Council's analysis. I am also satisfied that the roof light on the top of the single storey side extension would not result in any direct overlooking of, or harmful intervisibility with, habitable room windows on the adjacent dwelling, Hideaway, or give rise to any significant light pollution. While there would be some change to the existing conditions, the effects would not be so great as to result in harmful living conditions to neighbouring occupiers.
20. I am also satisfied that the proposed extensions would be in keeping with the design and appearance of the host dwelling and the surrounding area.

Conditions

21. As I have concluded that the variation of the condition would not result in inappropriate development in the Green Belt, or any other harm, I have varied the condition by replacing plans to reflect those in the submitted application, as set out in the schedule of conditions.
22. The standard time implementation condition is restated in accordance with the original permission, as is a condition to control materials, to ensure a satisfactory external appearance.

Conclusion

23. The proposal is compliant with the development plan read as a whole and the Framework. There are no considerations that indicate the proposal should be determined other than in accordance with the development plan and the Framework. Therefore, for the reasons given the appeal is allowed.

J Davis

INSPECTOR