



Appeal Decision

Site visit made on 13 March 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2024

Appeal Ref: APP/R3650/D/23/3324376

1 Lords Hill Cottages, Lords Hill Common, Shamley Green, Guildford, Surrey GU5 0TH

- 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 Marcin Ciecuch against the decision of Waverley Borough Council.
 - The application Ref WA/2023/00453, dated 14 February 2023, was refused by notice dated 11 April 2023.
 - The development proposed is described as sustainability led design and build of 2 storey extension and single storey alteration including demolishing existing garage and adjoining store, dining room, conservatory and store.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. 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 issues 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;
 - the effect of the proposal on the living conditions of the occupiers of 2 Lords Hill Cottages, with particular reference to light;
 - the effect of the proposal on the character and appearance of the area; and
 - if it is inappropriate development, 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 needed to justify the development.

Reasons

Whether or not inappropriate development in the Green Belt

4. The appeal property is a two-storey semi-detached dwelling located within the Green Belt and within the settlement boundary of Shamley Green.
5. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (2018) (LPP1) states that, amongst other things, in accordance with national planning policy, new development will be considered to be inappropriate and will not be permitted unless very special circumstances can be demonstrated. However, the policy confirms that proposals will be permitted where they do not conflict with the exceptions listed in national planning policy.
6. Policy DM14 of the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies (2023) (LPP2) sets out that extensions and alterations to buildings in the Green Belt should not be disproportionate to the original building, which for the purposes of the policy is the building as it existed on 31 December 1968. In all cases, whether a development is disproportionate or materially larger will be assessed by considering changes in scale, mass, height, and floorspace.
7. Paragraph 154 of the Framework 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. Consequently, both Policy RE2 of the LPP1 and Policy DM14 of the LPP2 are broadly consistent with the Framework.
8. The Framework does not specify either in relative or absolute terms what might be a disproportionate addition. The supporting text to Policy DM14 confirms that a visual test should be used to assess whether extensions, alterations, and replacement dwellings are acceptable within settlements. As a result, an element of planning judgement is also involved in the decision-making process. In my view an assessment of size includes aspects such as floorspace, height and volume.
9. There is disagreement between the two main parties regarding the exact floor area increase from the proposal. The Council consider the original dwelling's floor area to be 101.7 square metres, whilst the appellant finds the floor area to be 103 square metres. Regardless, even if I were to find the figures provided within Appendix 9 of the appellant's grounds of appeal to be more persuasive, these indicate that the proposed additions would lead to an increase in floor space of 102 square metres. This would nearly double the floor area of the original dwelling. Taking these figures into account, the proposal would result in a considerable increase in floorspace.
10. As a result of the demolition of the existing rear extension and single storey outbuilding, according to the submitted evidence, the footprint of development on the site would only increase by 3.83 square metres. However, much of the new floor area would be spread across a large two storey side extension which would have significant bulk and massing, and which would be located in an area where there is currently only a small, single storey outbuilding. The extension would almost double the width of the property, and its roof form would add considerable bulk.

11. I note that the ridge height of the two storey extension would be slightly lower than the appeal property's main ridge and the extension would also be substantially set back from the public highway. However, in my view, the appeal scheme would result in increases to both the floor area and overall massing which would disproportionately change the size of the property. This leads me to find that the proposal would result in disproportionate additions to the original building and thus would fail to meet exception 154 c) of the Framework.
12. Accordingly, I conclude that the proposal would be inappropriate development in the Green Belt, having regard to the Framework. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the Framework states that any harm to the Green Belt should be given substantial weight.

Openness

13. 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.
14. Openness has both spatial and visual aspects. The proposal would substantially increase the floor area 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 extension and a single storey outbuilding. 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.
15. The additional height and massing of the side extension would be visible when viewed from both the public highway to the front of the property and from the public footpath which runs to the side of the appeal site. This would have a harmful effect on visual openness, despite the fact that the building is set within a reasonably sized plot.
16. 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.

Living conditions of neighbouring occupiers

17. As the two storey rear extension would be built right to the shared boundary with 2 Lords Hill Cottages (No 2) its depth has the potential to impact the level of light for occupiers of the neighbouring property. Similarly, I have concerns with the height of the extension which, despite its hipped roof form, would be a tall addition on the boundary with the neighbouring property.
18. No 2 has principal windows to its bedroom 2 located a short distance from the shared boundary. Due to the proposal's position to the south, the presence of an extension of this depth, height and with limited separation from the bedroom window would result in overshadowing for long periods throughout the day. Consequently, I find that the extension, in such close proximity, would

substantially reduce the amount of daylight and sunlight reaching the accommodation.

19. The proposed extension would conflict with the guidelines set out in the Council's Residential Extensions Supplementary Planning Document (2010) (SPD) which suggests that extensions should not breach the 45 degree rule, when measuring from the nearest habitable room window.
20. I note that there is dense natural shade provided by tall, mature trees to the south side of the properties adjacent to the public right of way. However, in my view, this increases the importance of the natural light for the neighbouring occupiers and has the potential to exacerbate the impact of the extension.
21. Appendix 8 of the appellant's grounds of appeal is a letter from the occupiers of No 2 which confirms that they have no objection to the proposals. However, each appeal must be determined on its own planning merits and I am mindful that the development and the associated harm would also be likely to remain long after the current occupiers might reside in No 2.
22. For the above reasons, I conclude that the proposed extension would harm the living conditions of the occupiers of 2 Lords Hill Cottages, with particular reference to light. I therefore find that it would conflict with Policies TD1 and RE3 of the LPP1 and Policy DM4 of the LPP2. Amongst other aspects, this seeks to protect the living conditions of occupiers of neighbouring adjoining properties.
23. As set out above, the design would also conflict with the SPD guidance in relation to the design of rear extensions.

Character and appearance

24. The appeal property is a two storey semi-detached house located within a small row of semi-detached dwellings. Unusually, its principal elevation does not front the highway, and as a result the dwelling is not symmetrical with the other dwellings within the row. Furthermore, the other properties including 2, 3 and 4 Lords Hill Cottages have two storey side projections. However, there has not been a uniform design approach to the projections which take a variety of forms. There are examples of side projections with hipped roofs, pitched roofs and with gable features. Given the existing variety of roof forms, I do not find that the proposed "half hip" roof or "box gable window" would be incongruous additions within the street scene.
25. The half hip roof would reduce the bulk of the extension, whilst helping the form of the addition to integrate visually with the host dwelling. The extension's roof would be set below the highest point of the existing roof, and its front elevation would be set back from the dwelling's elevation closest to the highway. The roof set down would not follow the 0.5 metre set down recommended by the Council's SPD. However, the side projections at both 3 and 4 Lords Hill Cottages either have no set down or very small set downs, and for this reason, the side extension's roof would not be an unusual feature within the street scene.
26. The two storey side extension and the roof extension would increase the width and bulk of the property and would be visible in views from the public highway and adjoining public right of way. However, the plans indicate that there would

be a reasonable gap maintained between the proposed side wall and the ownership boundary.

27. At present the appeal property's window frames do not match with many of the white window frames found at houses on Lords Hill Road and Lords Hill Cottages. The proposed grey framed fenestration, whilst of contemporary design, would add to the varied palette of materials, and would not detract from the character and appearance of this particular street scene.
28. In relation to the proposed areas of render, the use of a planning condition could ensure that the facing materials used in the extension match the existing materials at the property, thereby ensuring that it would complement the character of the house and surrounding area.
29. The application site is located within an Area of Great Landscape Value (AGLV). Taking account of the site's location amongst an existing cluster of dwellings within the distinct boundary between the built form of Shamley Green and the open land beyond it, the proposal would conserve and enhance the character of the AGLV.
30. For the reasons outlined above, I conclude that the proposed extensions would not cause harm to the character and appearance of the host dwelling and the adjoining dwelling or surrounding area. Accordingly, I find no conflict with Policies TD1 and RE3 of the LPP1, Policy DM4 of the LPP2 and the SPD which, amongst other aspects, seek to ensure high quality design which does not harm the street scene, host building or AGLV.

Other considerations

31. The proposal would incorporate renewable energy sources that would contribute to wider environmental benefits associated with the inclusion of solar panels/tiles to the roof area and a ground/air source heat pump. I also understand that to accommodate the renewable energy sources extra internal space is required to house a plant room. I acknowledge that achieving sustainable development, including through the overarching environmental objectives, such as minimising waste and pollution, and mitigating and adapting to climate change is a key tenet of the Framework. However, the Framework is clear that substantial weight should be given to any harm to the Green Belt. As I have found that the proposal would be inappropriate development in the Green Belt this tempers the weight that I afford the sustainable design factors. Overall, these factors are therefore afforded limited weight.
32. The proposal would also create a more useable and future proof, modern, sustainable family dwelling. The appellant indicates that the proposal has been designed and orientated to have the lowest possible effect on the adjoining trees and biodiversity. These factors are afforded limited weight.
33. The design of the extensions would have an acceptable impact on the character and appearance of the surrounding area. However, this factor would amount to a policy compliant scheme and would therefore be a neutral factor in this decision.
34. I note that 2, 3 and 4 Lords Hill Cottages have all had sizeable extensions over the years. I have not been provided with further details related to the planning permissions for these developments, for instance, whether they replaced

existing built form. Furthermore, from the submitted evidence, it also appears that those developments were considered under a different policy context, prior to the adoption of the LPP2. In any event the proposal has been considered on an individual basis and the acceptance of other development referred to is of limited weight.

Other Matter

35. The concerns expressed regarding the Council's conduct during the processing of the planning application fall outside of the remit of this decision.

Planning Balance and Conclusion

36. The proposal would constitute inappropriate development in the Green Belt which should not be approved except in very special circumstances. It would also not preserve, and would have a harmful effect on, the openness of the Green Belt. Substantial weight should be given to any harm to the Green Belt. Therefore, the proposed development is contrary to Policy RE2 of LPP1 and Policy DM14 of the LPP2 and the principles of the Framework that seek to protect the Green Belt from inappropriate development. I have also found that the proposed development would unacceptably harm the living conditions of neighbouring occupiers.
37. The proposal may be compliant with various other provisions of the development plan, including in relation to the effect of the proposal on the character and appearance of the area and the AGLV. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.
38. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Whilst I note that the proposal would incorporate renewable energy sources and sustainable construction techniques that would contribute to wider environmental benefits, this, and the other considerations in relation to the proposal, do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
39. The proposal would be contrary to the development plan and the Framework taken as a whole. There are no other material considerations which indicate that the decision should be determined other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR