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# Appeal Decision

Site visit made on 1 May 2024

**by Stewart Glassar BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 JUNE 2024**

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**Appeal Ref: APP/Y3615/D/23/3324074**

**Woodside, New Road, Albury, Surrey GU5 9DB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by R Small against the decision of Guildford Borough Council.
  - The application Ref is 22/P/01832.
  - The development proposed is extension and alterations to the dwelling, including replacement studio/annexe; the erection of replacement garaging; a replacement swimming pool; garden landscape works; and demolition of 7 outbuildings.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. In the absence of any indication that the appellant agreed to an alternative wording, I have taken the description of development from the planning application form.
3. In November 2023 all designated Areas of Outstanding Natural Beauty became National Landscapes and so will be referred to as such in this decision.
4. For the avoidance of doubt, I have referred to the proposed side extension in this decision as the extension/annex.

## Main Issues

5. The main issues are:
  - a) whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
  - b) the effect of the proposal on the openness of the Green Belt;
  - c) the effect of the proposed development on the character and appearance of the area, with particular regard to the Surrey Hills National Landscape;
  - d) the function and scale of the extension/annex in relation to the main dwelling;
  - e) the effect of the proposed development on protected species; and
  - f) 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*

6. Development in the Green Belt should be regarded as inappropriate unless it accords with an exception set out in the National Planning Policy Framework (the Framework). The relevant exceptions in this appeal are the extension or alteration of a building; the replacement of existing buildings; and engineering operations. It does not appear that either of the main parties has sought to address the proposal on any of the other exceptions in the Framework.

### Extension or Alteration of a Building

7. Paragraph 154(c) allows for 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. It has been held by the Courts that proposals to replace existing curtilage buildings can also be considered under paragraph 154(c).
8. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2019 (GBLP) confirms that Green Belt policy will be applied in line with the Framework and sets out various definitions in relation to extensions and alterations. It is broadly consistent with the provisions of the Framework in this regard.
9. The term 'original building' for the purposes of the Framework and Policy P2 means a building, as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally. The term 'disproportionate additions' is not defined in the Framework or the GBLP and is therefore a planning judgment.
10. It is the appellant's contention that the existing outbuildings constitute normal domestic adjuncts and should be considered under paragraph 154(c). The existing outbuildings are in the garden of the host property and are of a type and in a position such that they could be used in connection with the dwelling. I see no reason why they cannot be considered under paragraph 154(c).
11. It is further contended that these outbuildings were built prior to 1 July 1948 and so should constitute part of the original building. This assertion is based on a location plan drawing submitted with a planning application in 1955 for an extension to the rear of the dwelling. Whilst I don't doubt the provenance of the plan, there is no date to indicate when the OS Map was produced and therefore provides no certainty that some or all of the outbuildings were not built in the intervening period between 1948 and 1955.
12. I also note that the plan does not show all the outbuildings as now on site, and which are suggested as all being erected pre-1948. Furthermore, the extension to the dwelling and what is now the garage are not crossed hatched but shown as a solid colouring. It is not clear if this indicates that permission was being sought for both these elements at that time. Whilst from my observations on site the existing studio/annexe does appear to be an older building, its footprint as shown on the location plan does not fully correspond to what now exists on site.
13. I am mindful that this is not an appeal for a Certificate of Lawfulness. I therefore make no judgement on when the outbuildings were erected. However, the evidence presented with this appeal does not provide me with sufficient certainty to conclude that all the outbuildings were erected before 1 July 1948 and constitute part of the original building.

14. Given these uncertainties, I do not rely on the percentage uplift figures suggested by the appellant. Furthermore, the consideration of disproportionate additions is not solely based upon mathematical calculations. The test in the Framework is one of 'size', and can reasonably be taken to include such factors as volume, height, external dimensions, visual perception etc.
15. The proposed extension/annex would replace a number of smaller buildings, some of which are positioned on lower lying land, which in turn limits their visual presence, were they not already well shielded from wider views by planting. Furthermore, the space around some of these existing buildings also assists in dissipating some of their visual impact.
16. In contrast, the extension/annex would represent a continuous block of development across much of the plot to the side of the existing dwelling. It would be much wider than the main dwellinghouse and the effect would be to very visibly increase the bulk and breadth of the building. Whilst the proposed ridge height is lower than that of the existing studio/annexe building, it would be noticeably higher than the other outbuildings. Overall, the proposed extension/annex would represent an imposing-built form in both mass and scale across this part of the site, resulting in a disproportionate addition to the original building.
17. The garage/home office would not be attached to the dwelling. The Council indicate it would be set some 18 metres from the dwelling, a figure the appellant does not dispute. Even if I were to consider it as an extension, I would still need to consider whether it represented a disproportionate addition.
18. It would similarly be single storey with a pitched roof but nonetheless, would be a sizable building in its own right. Whilst most of it would be positioned at a slightly lower ground level than the main dwelling, its overall massing would be considerable. It would represent a substantial projection of built development across this part of the site that would appear disproportionate to the size of the original building.
19. Some alterations are proposed to the existing dwelling. These are mainly alterations to openings and a remodelling of the existing veranda. It is indicated that these would result in a reduction of 2m<sup>2</sup> in footprint and 9m<sup>3</sup> increase in volume. In and of themselves, these are not disproportionate.
20. Nevertheless, to my mind, the size of the extension/annex and garage/home office would individually and collectively represent additions to the original building that would be disproportionate in the terms of the Framework and the Local Plan. Therefore, the appeal development would not accord with Paragraph 154(c) of the Framework.

#### Replacement Building

21. Paragraph 154(d) allows for the replacement of a building provided the new building is in the same use and would not be "materially larger" than the one it replaces. The Framework does not define materially larger and therefore it is a matter of planning judgement.
22. GBLP Policy P2(2)(b) requires replacement buildings to be sited on or in a position that substantially overlaps that of the original building. The extension/annex would be in the same area of the site as the existing outbuildings.

23. The Council adopted a singular building to building approach, comparing the proposed extension/annex with the existing studio/annexe. However, it seems to me that the proposed extension/annex would by virtue of its positioning physically replace the existing studio/annexe and garage. The other, smaller buildings are to be removed as part of the proposal but as they are used in connection with the dwelling, I am satisfied that they could reasonably be considered within the assessment.
24. The schedule of floor areas and volume shown on drawing 20034-700 Rev P2, indicates the proposed extension/annex would lead to a small reduction in footprint and volume when compared to the existing outbuildings. However, in determining whether a replacement building is materially larger, matters including height, bulk, form, siting, design, floorspace and footprint can be taken into account.
25. The hipped roof style of the proposed extension/annex would limit its bulk at roof level. However, its roof ridge and outer walls would be considerably taller than most of the outbuildings that would be replaced. Compared to these existing buildings, a greater proportion of the volume of the proposed dwelling would be consolidated at the same ground level as the dwelling, within the rectangular form of its main core, with roof above. Consequently, the relationship between the volume, height and form of the proposed extension/annex would result in it having a greater bulk and massing than the existing outbuildings.
26. Taking into consideration its overall size, scale and form, the proposed extension/annex would appear bulkier and materially larger than the existing buildings to be replaced. Therefore, it would not meet the exception for replacement buildings in the Green Belt set out in Paragraph 154(d) and Policy P2. As such, it would be inappropriate development in the Green Belt.
27. The appellant's appeal submission has not advocated the garage/home office be considered as a replacement building under Paragraph 154(d). Given my findings in relation to the extension/annex as a replacement building, I see no reason to find the garage/home office building compliant with Paragraph 154(d). I also note that it would not be in a position that substantially overlaps that of the original building and therefore would not accord with Policy P2 of the GBLP.

#### Engineering operations

28. Paragraph 155(b) of the Framework provides an exception for engineering operations within the Green Belt. The Council considers the swimming pool to come within this definition. The scheme also entails some landscaping which includes works to the patio areas around the dwelling and the existing parking area around the garage/home office. The Council does not object to these works. I have no reason to disagree with the Council's conclusions in this respect.

#### Conclusion

29. I have not found either the engineering works or the works to the existing dwelling to be inappropriate development. However, the proposed extension/annex and garage/home office would not fall within the exceptions described in Paragraphs 154(c) and 154(d) of the Framework and so would be

inappropriate development in the Green Belt. By definition, these would therefore be harmful to the Green Belt, and is a matter to which I afford substantial weight in the planning balance. The proposal would also conflict with Policy P2 of the GBLP, which seeks to prevent inappropriate development in the Green Belt.

### *Openness*

30. Paragraph 142 of the Framework states: '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'. Openness is not defined in the Framework but maintaining openness does not necessarily mean that there can be no change, as the overall situation needs to be considered in relation to both the visual and spatial effects of the proposed development.
31. The existing outbuildings are clearly set apart from one another, which helps to contribute to the openness of the site. In contrast, the resulting built form of the extension/annex would appear as a more noticeable and significant structure. The consolidation of the development, in the form proposed would result in a loss of spatial and visual openness of the Green Belt.
32. The proposed garage/home office would add built development into the currently undeveloped part of the site, reducing Green Belt openness in spatial terms. Introducing a substantial building where currently there is none would also visually diminish the sense of openness. Whilst the overall size of the site is large and much of it would remain open, the building would lead to a reduction in some existing open views across this part of the site. As such, there would be a loss of openness.
33. For these reasons, the proposal would reduce the openness of the Green Belt and harm would occur. As per paragraph 148 of the Framework, any harm to the Green Belt attracts substantial weight.

### *Character and Appearance*

34. The appeal site is located within the Surrey Hills National Landscape. It is a diverse landscape of hills, valleys, open countryside and woodland. The appeal site is on the fringes of wooded heathland to the north. The appeal property sits above an open stretch of undulating fields to the south, with further woodland rising beyond.
35. Policy P1 of the GBLP seeks to protect, conserve and enhance the Surrey Hills National Landscape. This approach broadly reflects Paragraph 182 of the Framework, which advises that great weight be given to conserving and enhancing the landscape and scenic beauty of such areas, which have the highest status of protection in relation to these issues.
36. The existing dwelling and outbuildings are evident in certain viewpoints from the south, most notably from the public footpath. From some key viewpoints, the full extent of the existing buildings can be difficult to discern, and views of the appeal proposals are likely to similarly be more limited.
37. Where the dwelling can be seen, it appears within the wider landscape as a solitary property with one or two outbuildings, given that the other, smaller outbuildings are largely concealed from view. Thus, it is the wider countryside

in which this property sits that is the predominant component of the area's character. Other buildings elsewhere in the area are sparsely located, appearing intermittently and thus are not significant components of the landscape, which in turn reinforces the rural and verdant qualities of the area.

38. Consequently, in those views where the existing dwelling is more readily apparent, the expansion in scale and bulk of built form across the appeal site would also clearly be visible. This would significantly increase the prominence of the site as a whole within the landscape. Despite being set against a backdrop of woodland, particularly when seen from the south, the result would be a harmful distraction within the otherwise spacious, rural character of the area and scenic beauty of the landscape.
39. It is suggested that proposed planting, including trees and hedgerows, would help mitigate views of the development (when matured). There is no detailed landscape plan and only indicative planting shown on the submitted drawings. While it may be the case that the proposal would offer some benefits in terms of landscape (and thus biodiversity) it would have a modest positive effect on the proposal and wider landscape character of the area. This would not outweigh the harm I have identified, which should be afforded great weight in accordance with Framework Paragraph 182.
40. Notwithstanding the use of materials designed to blend with the landscape, the overall result would neither conserve nor enhance the landscape and scenic beauty of the area. The proposed development would therefore be harmful to the character and appearance of the surrounding area. As such, it would conflict with Local Plan Policies D1 and P1 insofar as they seek to ensure that development reflects local character and conserves the areas of national landscape. There would also be a conflict with Policy G5(2) of the saved Guildford Borough Local Plan (2003) which requires that new buildings respect the scale, height and proportions of the surrounding environment.
41. In addition to being contrary to Paragraph 182 of the Framework, the proposal would conflict with Framework Paragraph 130, which in part requires development to be sympathetic to local character.
42. I have also been referred to the Surrey Hill AONB Management Plan but have not been provided with a copy. Nonetheless, this does not alter my findings in relation to the development plan policies.

#### *Function and Scale*

43. The Council's fourth reason for refusal refers to 'extension' and Policy H5 of the Guildford Borough Council: Development Management Policies (DMP) June 2022. It is evident from the officer report that this is a reference to the proposed extension/annex and the appellant has focussed their response on this element of the scheme. The reference to Policy H5 was erroneous and the correct policy is H4. The appellant has referenced Policy H4 in their submission and I am therefore satisfied that they have not been prejudiced by the mistake.
44. Policy H4 requires an extension/annex to have certain functional relationships with the host dwelling. This is to ensure the retention of a single planning unit. I note that the householder application form was submitted to and accepted by

the Council. The proposal was not advertised on the basis of it being for a separate dwelling or the creation of a new planning unit.

45. Whilst the proposed extension/annex would provide facilities that might allow for independent day-to-day living, that does not necessarily mean the accommodation would be occupied independently or become a separate planning unit from the main dwelling. As a matter of fact and degree, the accommodation would plainly be capable of being occupied as an annexe.
46. However, even if I were satisfied that the proposal would remain for single-family occupation and one planning unit, Policy H4 also requires such extensions to be subordinate in scale to the main residence.
47. To my mind, this requires an assessment of the building as a whole, not just the floorspace, when seen in relation to the main dwellinghouse. The extension is single storey and for the most part would not be of excessive depth. Furthermore, the glazed link provides a visual break between the dwelling and extension. It would, however, due to its length and linear built form relate poorly to the traditional scale and appearance of the host dwelling. As a result, it would appear as an incongruous addition that would detract from the overall appearance of the dwelling and, due to its excessive length, would not be subordinate to it.
48. As I have found the scale of the extension/annex to have a materially harmful effect in relation to the host dwelling, the proposal would be contrary to Policy H4 of the DMP. This policy requires, amongst other things, that such developments would be subordinate in scale to the main residence.

#### *Protected Species*

49. The Statement submitted in support of the initial planning application references both a Preliminary Ecological Report dated June 2021 (PEA) and an Ecological Assessment Report dated October 2022 (EAR). The first of these documents is referenced in the officer report but there is no reference to the second one.
50. Principally the PEA concluded that subject to certain mitigation measures, harm would not arise and that some enhancements were achievable. It was recognised that some further survey work was required in relation to protected species, and this was subsequently provided in the EAR. The additional surveys supported the overall findings of the PEA.
51. Both reports appear to be comprehensive and were undertaken by suitably qualified persons. Based on my site visit and the substantive evidence before me, I have no reason to come to a different conclusion to the reports. The implementation of the reports' recommendations could be conditioned.
52. Therefore, I am satisfied that the proposal would not cause harm to protected species, and I conclude that the development would not conflict with Policy NE4 of the saved Guildford Borough Local Plan which broadly seeks to ensure that there is no demonstrable harm to protected animal or plant or its habitat.

#### **Other Considerations**

53. The Appellants indicate that permitted development rights would allow for a larger development than is currently sought by the appeal scheme. It is also

suggested that future rights could be removed by condition. As a possible fall back, this is a matter to which I must have regard.

54. The appellant indicates that a substantial area to the rear of the house could potentially be utilised by outbuildings. However, it seems to me that in reality any outbuilding would not be built right up to the rear of the dwelling, prejudicing existing windows and the rear entrance to the building. Similarly, building over much of the land identified would prevent vehicular access close to the dwelling or the existing garages. Reference is also made to rear extensions to the dwelling, but this is also likely to be restricted for similar reasons. There is no demonstration or indication of how a directly comparable amount and type of accommodation would be provided through permitted development.
55. It is also suggested that there would be the potential to introduce further outbuildings of up to 10 sqm up to a limit of 50% of the total area of the curtilage. However, this is not comparable to the appeal proposal and there is no indication that this would be a creditable alternative or something that would be undertaken.
56. Other than the broad description of the potential permitted development rights there is no other information before me on this matter. Therefore, it is not possible to conclude that permitted development would necessarily offer a comparable development to what is currently sought or that the overall impacts would be more harmful. Accordingly, it is my planning judgement that it has not been demonstrated that there is more than a theoretical possibility that the development described by the appellant as a fallback might take place.
57. There is no indication from the main parties that the proposal would be contrary to the five purposes of including land within the Green Belt. This would however be a lack of harm which would accordingly be neutral in any balance.
58. I have been referred to other appeal decisions and the approach adopted in addressing some of the issues raised by this appeal. Whilst these provide interesting background, I have considered the appeal proposal on its individual merits and with regard to the specific circumstances of the site and its surrounds.

### **Green Belt Balance**

59. I have found the scheme to be inappropriate development in the Green Belt which would also be harmful to openness. The Framework requires me to give these collective harms substantial weight.
60. On the other hand, the factors outlined in support of the proposal above carry more limited weight. These other considerations do not clearly outweigh the substantial harm I have identified due to inappropriateness and loss of openness. Consequently, the very special circumstances necessary to justify the proposal do not exist.

### **Conclusion**

61. In addition to the harm to the Green Belt, there would also be harm to the existing dwelling and the Surrey Hill National Landscape which the Framework advises has the highest status of protection in relation to the conservation and enhancement of its landscape and scenic beauty.

62. I therefore conclude that the proposal conflicts with the development plan and other material considerations do not indicate that the appeal should be determined otherwise. For this reason, the appeal is dismissed.

*Stewart Glassar*

INSPECTOR