



Appeal Decision

Site visit made on 5 June 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/Y3615/W/24/3336618

Mayor House, Mayorhouse Lane, Albury, Surrey GU5 9EW

- 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 Mr and Mrs Souber against the decision of Guildford Borough Council.
 - The application Ref is 23/P/01166.
 - The development proposed is the demolition of the conservatory, porch and escape staircase, the reconfiguration of the internal layout and the construction of a two-storey rear extension together with associated external alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy 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 proposal on the character and appearance of the existing building; and
 - (d) 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

3. The National Planning Policy Framework (the Framework) advises that in the Green Belt, development should be regarded as inappropriate. However, Paragraphs 154 and 155 set out certain circumstances where a development would not be considered inappropriate development in the Green Belt.
4. Of relevance to this appeal is Paragraph 154(c). It states that the extension or alteration of a building is not inappropriate development in the Green Belt provided it does not result in disproportionate additions over and above the size of the original building.

5. The appellants also refer to the proposal being an infill development. I have not interpreted this as a reference to Paragraph 154(g). Infilling in relation to that exemption is commonly understood to comprise the development of a small gap between buildings in an otherwise continuously built-up frontage and so would not be applicable in this case.
6. 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.
7. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2019 (GBLPSS) 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.
8. The Framework and Policy P2 explain that the "original building" shall mean the building as it existed on 1 July 1948, or if constructed after that date as originally built. The term 'disproportionate additions' is not defined in the Framework or the GBLPSS and is therefore a planning judgment.
9. The original building has previously been extended. The Council indicate the increase to be some 88m², a figure the appellants do not dispute. When combined with the proposed works the increase is 243m², which represents an increase in footprint of 99m². All of this is said to result in an 86% increase in size over the original building. The appellants do not consider the 'canopy' should be included and contend that the increase is 67%.
10. It seems to me that the 'canopy' is more than simply a roof overhang. It would have a substantial solid sedum roof, supported at its furthest extents by a number of solid posts and which would be attached to the terrace below. It is an integral part of the proposal and would appear to fall within the definition of a 'building' set out in the Town and Country Planning Act. I therefore see no reason why it cannot be included within the assessment of the proposal, regardless of whether infilling between the supports might occur in the future.
11. However, even if I were to accept the figure of 67%, which is still a sizable increase, the consideration of disproportionate additions is not solely based upon floorspace or 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.
12. The overall height of the proposed extension would be set down from the main ridge of the building. However, the works would noticeably increase the width of the building, at both ground and first floor levels. The resulting increase in footprint, bulk and scale would be evident.
13. In combination with the prior additions to the building, the proposal would significantly increase the size of the property and would appear as significant additions to the original dwelling. Consequently, I find that the cumulative effect with previous extensions would result in disproportionate additions over and above the size of the original building.
14. The appeal scheme would therefore be inappropriate development in the Green Belt which would by definition be harmful to the Green Belt. This would conflict with the Green Belt protection aims of both Policy P2 of the GBLPSS and of the Framework.

15. Paragraph 153 of the Framework instructs that substantial weight should be given to any harm to the Green Belt.

Openness

16. Openness is an essential characteristic of the Green Belt. There are two aspects to openness: spatial and visual. The proposal would involve physical enlargement of the building into an area where there is currently no built form. The increase in footprint and bulk of the building, together with the positioning of the works would mean this enlargement of the dwelling would be clearly discernible.
17. The position of the house relative to the surrounding areas would reduce any wider effects of the scheme such that the overall visual and spatial effects would be localised. Nevertheless, some small loss of openness of the Green Belt would occur as a result of the development. This weighs against the proposal.

Character and Appearance

18. The dwelling is a 19th century brick and ironstone building. Externally, gables to the front and sides form an important constituent part of the overall design and roofscape of the property. Previous extensions may have diminished the overall composition and appearance of the building but the removal of some elements as part of this scheme is intended to help restore a more linear arrangement. The escape staircase had already been removed at the time of my site visit.
19. The Design and Access Statement sets out how the proposal has had regard to the proportions and rhythm of the existing building. It also explains how this has been articulated in a contemporary way, by an award-winning architect.
20. I acknowledge that variety and difference does not necessarily lead to harm and that a design does not always need to replicate what is already there. However, in this case the proposed design solution would present a large and imposing upper element whose rectangular, flat roof form would contrast sharply with the traditional roof of the dwelling. The result would be a visually intrusive addition.
21. Consequently, the proposal would harm the character and appearance of the existing building. As such, it is contrary to Policies H4 and D4 of the Guildford Borough Local Plan Development Management Policies 2023 and Policy D1 of the GBLPSS. These policies when taken together and, amongst other things, seek to ensure that proposals harmonise with existing buildings and respond positively to their character and appearance.
22. The proposal might accord with some aspects of the Council's Residential Extensions and Alterations Supplementary Planning Document 2018 (SPD), but there would be conflict with the SPD when taken as a whole, which seeks to ensure designs are appropriate and in particular that they complement the existing roof and original house.
23. The scheme would also be contrary to the Framework, which seeks to ensure developments are sympathetic to local character.

Other Considerations

24. There is disagreement between the main parties over whether further survey work is required to establish the presence of Great Crested Newts. From my site visit it appeared that the area onto which the building would be extended was unlikely to be a habitat that would support Great Crested Newts. The wider site might provide more beneficial areas. However, even if I were to agree with the appellants and conclude that no further investigations were necessary, this would represent a lack of harm arising from the scheme and so would be a neutral factor within the overall balance.
25. I understand that this is a revised proposal following the refusal of a much larger scheme which also incorporated extensive areas of glazing. The current proposal is smaller and has incorporated elements designed to limit light spill from the building. The amendments may have overcome concerns regarding the effect on the wider countryside and I note that high-quality materials would be used. However, the changes do not prevent harm to the Green Belt and to the character and appearance of the existing building.
26. I have been referred to an appeal decision from 2018. However, that decision related to a single storey extension, in a different local authority area. I therefore cannot be sure that the circumstances are directly comparable to the proposal before me. Furthermore, each proposal must be determined on its own merits and therefore the presence of this other decision does not outweigh my findings in this case.
27. I note the comment about the lack of engagement from the Council during their consideration of the planning application. However, that is a matter between the respective parties and not a consideration for this appeal. I have focused on the planning merits of the scheme in regard to the main issues of the case.

Green Belt Balance

28. 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.
29. On the other hand, the factors outlined in support of the proposal 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

30. I therefore conclude that the proposal conflicts with the development plan when taken as a whole and that other material considerations do not indicate the appeal should be determined otherwise. Accordingly, the appeal is dismissed.

Stewart Glassar

INSPECTOR