



Appeal Decision

Site visit made on 15 August 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2024

Appeal Ref: APP/Y3615/W/24/3337214

The Hollies, Sandy Lane, Guildford, Surrey GU3 1HF

- 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 M Mansell against the decision of Guildford Borough Council.
 - The application Ref is 23/P/01174.
 - The development proposed is replacement dwelling with associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2023 (the Framework) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposed development on the character and appearance of the area with particular regard to the Surrey Hills National Landscape.
 - 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 Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraphs 154 and 155 of the Framework. This is broadly echoed by Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS).

4. Of relevance to this appeal, paragraph 154d) provides an exception for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
5. The existing building is a two storey house with accommodation at third floor within the pitched roof. It has an approximate volume of 530cu.m, footprint of 96sqm with a height of around 8m. The proposed building would be located to the south of the existing house and would be over a greater footprint. It also includes a basement. Including the basement, the proposed dwelling would therefore have a volume of 1650cu.m with a height of around 7m and footprint of 282sqm. There is no dispute that the replacement building would be materially larger than the one it replaces.
6. Consequently, for the reasons described above, the appeal scheme is inappropriate development in the Green Belt both in the terms of the Framework and Policy P2 of the LPSS. As well as the advice in the Green Belt Supplementary Planning Document (2023) (SPD) which provides further guidance as to how the exceptions listed in the Framework will be interpreted.

Openness

7. Openness has both spatial and visual dimensions. The proposed basement would be entirely subterranean, with very modest lightwells. Therefore, in this case, I have considered the effect of the above ground development on openness. Excluding the basement, the proposed development would have a volume of 1407cu.m. This substantial increase in volume is clearly larger than the existing dwelling as described above. The proposed development therefore results in a considerably larger built form to this site and introduces development where there currently is none. As such there is significant harm to spatial openness.
8. The appeal site is in an elevated position, however the site is surrounded by vegetation on all sides. From the public right of way to the south the proposed built form would not be visible when trees are in leaf, although from limited viewpoints there is a possibility that the first floor would be visible if there was no vegetation screening. Notwithstanding, on the other side, from Sandy Lane the proposed building would be likely to be visible in glimpsed views particularly when trees are not in leaf. As such the increased bulk of the proposed built form would be seen and therefore there would also be some harm to visual openness albeit from limited views.
9. Consequently, for the reasons above, the proposed development is significantly harmful to the openness of the Green Belt. Therefore, it is contrary to the Framework in this regard as well as policy P2 of the LPSS which, in part, requires that replacement buildings in an alternative position should not increase the overall impact on the openness of the Green Belt.

Character and Appearance

10. The Surrey Hills National Landscape is of national importance due to its natural beauty. I am mindful of the statutory duty to seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape. I give great weight to conserving and enhancing the landscape and scenic beauty in this area, and this has the highest status of protection in relation to these issues. This is broadly echoed by policy P1 of the LPSS and policies P1, P2 and

P3 of the Surrey Hills AONB Management Plan (the MP) which, in addition, seek great weight to be attached to any adverse impact on the national landscape, respect the special landscape character of the locality, resist light pollution and require high quality design.

11. The site is located within the National Character landscape of the North Downs, and the Surrey Landscape Character Assessment: Guildford Borough (April 2015) identifies the site as being within the Shackleford Open Greensand Hills Landscape Character Area and within the Open Greensand Hill Landscape Character Type. Of relevance to this appeal, these are characterised by their undulating landscape, wooded character with views across valleys and linear settlement along rural lanes.
12. The Hollies is a traditional pitched roof dwelling on the southern part of the site, which is one of the most elevated positions. Its grounds include a large, grassed garden area, surrounded by trees and woodland. The house appears as a mature feature within the landscape and as such it has an established acceptable effect on the area.
13. The proposed dwelling would be in a modern design with a large amount of glazing proposed to the southern elevation. It would be located away from the footprint of the existing dwelling where the land slopes down and would therefore be set within the slope. However, aside from the basement, the ground floor of the dwelling would not appear to be notably set into the ground and it includes a raised terrace to the rear.
14. The proposed dwelling would be larger than the existing dwelling in terms of its footprint, but it would have a lower roof height. The basement would have a limited effect on the landscape as it would be entirely below ground. Nevertheless, even excluding this, the bulk and massing of the proposed dwelling would be significantly greater than the existing. Therefore, the appeal scheme would have a greater effect on the landscape in terms of its scale and there would be harm in this regard.
15. The built form of the dwelling would be similarly visible from the public footpath to the south as the existing dwelling which it would replace, whether or not the landscaping was present. However, the glazed elevation to the south would have potential for significantly more light spill from the proposed dwelling than the smaller windows in the existing house. Features such as non reflective glass could be required, however, I am not provided with detail of how a condition requiring the use of blinds would be reasonable or enforceable. As such light spill from the proposed dwelling is likely to be perceived from the south particularly when trees are not in leaf. This would result in development which is more prominent than existing, unacceptably conspicuous in the landscape and also be harmful to the dark skies in the National Landscape.
16. From Sandy Lane, the proposed dwelling would be set back, and its height would be lower than the existing building. Whilst the AONB Planning Adviser comments that the proposed house would not be seen from Sandy Lane, the detailed evidence in the LVIA including the photomontages concludes that it would be visible with a minor adverse effect from one viewpoint, although it is predicted not to be visible in the other Sandy Lane viewpoints.
17. Overall, the proposed development would have an unacceptable effect on the character and appearance of the area with particular regard to the Surrey Hills

National Landscape. Consequently, it would be contrary to Policy P1 of the LPSS and Policies D4, D12 of the Guildford Borough Local Plan: Development Management Policies (2023) (DMP). In addition to the aims previously stated these seek high quality design including with regard to landscape and resist obtrusive light particularly in the Surrey Hills National Landscape. As well as Policies P1, P2 and P3 of the MP as set out above.

Other Considerations

18. The appeal scheme would not increase the number of housing units. Therefore, there would not be a benefit with regard to boosting the supply of homes.

Fallback

19. Planning permission has been granted for an extension to the existing dwelling¹ (the fallback scheme). It has not been implemented. The extension would be to the north of the existing dwelling and would be single storey with a low pitched roof with the main part of the extension joined to the existing dwelling via a corridor. The extension would increase the footprint, depth and volume of the dwelling. However, it would be at a low height which would limit the change in scale and bulk overall. The proposed development and the fallback scheme would both enlarge the residential floorspace on this site. As such if the appeal scheme were not permitted there is a real possibility that this fallback scheme would be implemented.
20. The fallback scheme would be sited closer to Sandy Lane and, even though it would be single storey, due to this proximity it is likely to be more visible than the proposed development, albeit from limited viewpoints. However, whilst some dimensions including the height and depth of the fallback scheme would be larger than the appeal scheme and the footprint of the two are similar, the difference in volume would be considerable, even when excluding the volume of the proposed basement. The scale and massing of the proposed development would therefore be significantly greater than the fallback scheme. Consequently, the appeal scheme would be significantly more harmful to the openness of the Green Belt.
21. The fallback has been approved and there appears to be no concerns regarding harm to the National Landscape with that scheme. I have also considered that the proposed development may be less visible in the landscape from Sandy Lane. However, even taking the above into account, for the reasons already set out the appeal scheme would result in harm to the National Landscape with regard to its scale, prominence and to dark skies and as a result would be more harmful than the fallback scheme.
22. I have taken into account that the fallback scheme may be less energy efficient, as well as the lesser effect of the proposed development compared to the fallback on visual openness. However, the proposed development would have a significantly more harmful effect on spatial openness than the fallback scheme and, the proposed development would be more harmful to the nationally important landscape. Overall, I conclude that the appeal scheme would be more harmful than the fallback and I attribute limited weight to the fallback position.

¹ LPA ref 22/P/02693

Energy efficiency

23. The proposed development would include solar panels, a green roof and would be built to current building regulations standards. I am not provided with detail as to the carbon impact of the new structure. Nevertheless, once constructed the proposed development would be an energy efficient building which would be overall carbon negative, and this would be an improvement over the fallback scheme and existing building.
24. The National Planning Policy Framework: draft text for consultation requires that significant weight is given to a proposals contribution to renewable energy generation and a net zero future. However, this document is in draft and therefore it is unclear as to whether it will be adopted in the form proposed. As such, I afford it limited weight. Furthermore, there is no substantive evidence before me to suggest that the building is an outstanding or innovative design, and therefore the provisions of paragraph 139b) of the Framework would not apply, nor is this an improvement to an existing building so paragraph 164 of the Framework would not be relevant. Nevertheless, The Written Ministerial Statement Building the homes we need (2024) seeks to boost the delivery of renewables. As such, and taking into account the scale of the appeal scheme, this would be an important but small benefit.

Green Belt Balance

25. The Government attaches great importance to Green Belts. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness which is also contrary to Policy P2 of the LPSS. There is also harm to the Green Belt due to the proposed development's effect on openness. The appeal scheme would also be harmful to the character and appearance of the landscape, which is of national importance.
26. The proposed development would result in a minor benefit to energy efficiency. Whilst there is a realistic fallback scheme, this does not justify the development proposed for the reasons set out above and the fallback scheme attracts limited weight. Therefore, the other considerations advanced by the appellant, even when considered together, do not clearly outweigh the totality of the harm. The very special circumstances necessary to justify the development therefore do not exist.
27. Consequently, the proposed development conflicts with the Framework and Policy P2 of the LPSS, the aims of which are set out above. I have had regard to the appellant's submitted case law; the approach taken in this decision is in accordance with that case law.

Conclusion

28. The proposal conflicts with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR