



Appeal Decision

Site visit made on 28 January 2025

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2025

Appeal Ref: APP/Y3615/D/24/3346858

Leas View, Epsom Road, West Horsley, Surrey KT24 6AP

- 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 Mellstrom against the decision of Guildford Borough Council.
 - The application Ref is 24/P/00111.
 - The development proposed is described as planning application for a loft extension to create living space to a dwellinghouse with a Juliet balcony and hip to gable enlargement (retrospective) and proposed single storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The main parties have had the opportunity to comment on the amended National Planning Policy Framework which was published in December 2024.
3. On the application form, it is indicated that the works subject of the application have been commenced but not completed. However, I cannot be certain that the works undertaken accord with the submitted plans and details. I therefore proceed on the basis that the scheme is for a proposed development.

Main Issues

4. The appeal site is within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 153 of the Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
5. Therefore, the main issues are;
 - whether the scheme would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the Framework; the effect of the development on;
 - the openness of the Green Belt; and
 - the living conditions of the occupiers of Fairacre House, with particular regard to privacy; and
 - whether the 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 necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

6. Framework paragraph 154 states that development in the Green Belt should be regarded as inappropriate unless one of several exceptions apply. One of which, at 154. c), is the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the original building.
7. Framework paragraph 155 identifies other types of development which should also not be regarded as inappropriate. However, for schemes that are not major development - as defined within the Framework, all the criteria at 155. a. - c. would need to apply for a scheme to not be regarded as inappropriate under this paragraph.
8. Policy P2 of the Guildford Borough – Guildford Borough Local Plan strategy and sites 2015-2034 – adopted 25 April 2019 (the Local Plan) indicates that the Green Belt will be protected against inappropriate development in accordance with the Framework. It also says that unless new buildings in the Green Belt would conform with one of the exceptions identified within the Framework, then they would constitute inappropriate development. As such, for this appeal and in respect of matters related to the Green Belt, Local Plan policy P2 broadly conforms with the provisions of the Framework.
9. The appeal site contains a dwelling house as well as associated gardens and outbuildings. Although it is located at the end of a short row of houses, it is adjacent to a large playing field. There is also a field on the opposite side of Epsom Road from the site. However, even if the site were deemed to be previously developed land and/or within the Grey Belt, and the scheme would enable the appellant to have a more spacious, suitable and adaptable family home, a demonstrable need for such accommodation has not been proven. As such the development would not accord with the inappropriate development exception set out in paragraph 155 of the Framework.
10. What is disproportionate in the context of extensions to buildings in the Green Belt is not defined within Local Plan policy P2 or the Framework. However, the Council's Residential Extensions and Alterations Supplementary Planning Document 2018 and its Green Belt Supplementary Planning Document November 2023, both provide some guidance on this matter. They indicate that the assessment of a disproportionate addition should not simply rely on a calculation of the increase in footprint and/or volume. Instead, it is indicated that schemes should be assessed on a case-by-case basis. Consequently, whether the proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgment.
11. In calculating the floor space of the original building, both main parties have included the area of a previous single-storey garage building, which is no longer present. I agree with this approach.
12. The dwelling has been subject of several previous extensions and alterations. These include extensions and/or alterations to both sides of the dwelling, and an extension/addition to the rear. A later garage building has also been constructed on the site. Although this garage building is detached and has a different finish and appearance from the host dwelling, it is close to the house. Furthermore, and even

if it has no water supply or sanitary facilities, I have no reason to doubt that its use is incidental to that of the dwelling. For these reasons, this building should be included when assessing the extent of previous extensions.

13. Whether or not the roof space was previously boarded out and used for purposes including the storage, cleaning, and maintenance of guns, much of this area would have been of restricted height. Consequently, other than in 'proposed' calculations, the floor space within this area should not be included.
14. Even if a covered link between the main part of the dwelling and the previous garage were to be included in the calculation of the original floorspace, following the implementation of the appeal scheme, the floorspace would exceed that of the original building by more than 50%. This is a substantial increase.
15. The height of the proposed extensions would be variously lower than that of the ridge of the main part of the original building. However, following the implementation of the appeal scheme, the floorspace, footprint, and scale of the building would be larger than it was before works were undertaken to extend the roof and to form the side extension closest to the playing fields. It would also be significantly larger than the original building. Despite being within a sizable plot, the development, when taken together with the previously completed and authorised extensions and alterations, would amount to substantial additions which would be disproportionate to the original building.
16. Consequently, the scheme would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies. As such, and in respect of this main issue, it would conflict with policy P2 of the Local Plan.

Openness

17. While the height of the proposed extensions would be lower than the highest ridge of the dwelling, both visually and spatially the extensions would further enlarge the property. Consequently, and albeit to a limited extent, the development would reduce the openness of the Green Belt.
18. Given the form and extent of the proposed scheme and the proximity of other development and buildings, the harm that would be caused in respect of openness would be minor. Nevertheless, because the scheme would be inappropriate development in the Green Belt, and in accordance with paragraph 153 of the Framework, substantial weight is given to that harm.

Living conditions

19. The neighbouring residential property, known as Fairacre House, has a large rear garden. However, through the proposed rear garden facing second-floor glazing and from the associated 'Juliet' balcony, the immediate outlook would be over the rear garden forming part of the appeal site.
20. Nevertheless, through this proposed opening, and albeit at an oblique angle, it would be possible to see into parts of the rear garden of Fairacre House. However, there is tall and well-established hedging and close-boarded fencing on the shared boundary between the 2 properties. There are also several other sizable coniferous type tree/shrubs either close to this shared boundary or within the garden of Fairacre House. Despite the height of the proposed opening, these

existing boundary treatments and trees/shrubs, would obscure clear views of much of the patio area and swimming pool to the immediate rear of Fairacre House, as well as other parts of its rear garden. The occupiers of this neighbouring property would therefore be able to retain a reasonable level of privacy within their rear garden.

21. For these reasons, the development would not cause harm to the living conditions of the occupiers of Fairacre House, with particular regard to privacy. Consequently, it would comply with policies D5 and H4 of the Guildford Borough - Guildford Borough Local Plan: Development Management Policies – adopted 2023. Collectively, and amongst other things, these policies seek to prevent development that would cause harm to the living environment of existing residential properties, with particular regard to privacy and overlooking.

Other considerations

22. It is not within the scope of this appeal to determine whether the appeal scheme or elements of it, would be permitted development.
23. I understand that the works undertaken on site as part of the construction of a 2-storey rear extension to the dwelling, do not accord with the details which were subject of a certificate of lawfulness for a proposed development – ref 23/P/00548. However, I do not doubt that there is a more than theoretical possibility that the development subject of that previous application/certificate could still be implemented. Notwithstanding this, the development subject of this appeal, which would also include a side extension, would have a maximum height and massing that would be greater than this fall-back scheme. As such, the fall-back position, i.e. the scheme subject of the certificate, does not weigh in favour of the development subject of this appeal.
24. Furthermore, it is not clear to me that there is greater than a theoretical possibility of other permitted development rights being utilised to extend the dwelling, which would be more harmful to the Green Belt than the appeal scheme. Accordingly, I attribute little weight to this consideration.
25. My attention has been drawn to several other properties in the Green Belt and the Guildford Borough area, which have had large extensions. However, even if Fairacre House has been enlarged by 66%, I have not been provided with sufficient information in respect of either this property or the others cited, to enable the basis of the enlargements to be understood. Consequently, I cannot draw meaningful comparisons between these other properties and the appeal scheme.
26. The external finishes of the extensions would relate well to those of the host dwelling, and their design and form would not cause harm to the character and appearance of the area. Nevertheless, these are neutral considerations.
27. The implementation of the appeal scheme would result in the provision of a more spacious and adaptable family home. However, given that the scheme relates to a single dwelling, very limited weight can be attributed to the associated benefits.

Conclusion

28. The other considerations in this case do not clearly outweigh the harm by reason of inappropriateness and any other harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

29. Notwithstanding my findings in respect of living conditions, the development would cause harm to the Green Belt. In my view this harm and the associated development plan conflict are prevailing considerations. The appeal scheme should therefore be regarded as conflicting with the development plan when read as a whole. Moreover, the material considerations do not indicate that the appeal should be decided other than in accordance with it.
30. I therefore conclude that this appeal should be dismissed.

V Simpson

INSPECTOR