



Appeal Decision

Hearing Held on 29 January 2019

Site visit made on 29 January 2019

by A Napier BA(Hons) MRTPI MIEMA CEnv

an Inspector appointed by the Secretary of State

Decision date: 12 April 2019

Appeal Ref: APP/Y3615/W/18/3202309

Old Quarry House, Seale Lane, Seale GU10 1LD

- 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 Mr & Mrs A McNeill against the decision of Guildford Borough Council.
 - The application Ref 17/P/02502, dated 5 December 2017, was refused by notice dated 15 February 2018.
 - The development proposed is a rear two storey infill extension with detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for a rear two storey infill extension with detached garage at Old Quarry House, Seale Lane, Seale GU10 1LD, in accordance with the terms of the application, Ref 17/P/02502, dated 5 December 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Other than as required by the condition below, the development hereby permitted shall be carried out in accordance with the following approved plans: 1780 3001 Rev A, 1780 3101 Rev A, 1780 3110 Rev A, 1780 3120 Rev A, 1780 3121, 1780 3220 Rev A and 1780 3221 Rev A.
 - 3) The external finishes of the development hereby permitted, including making good to the retained fabric, shall match in colour, size, style, bonding, texture and profile those of the existing building.

Application for costs

2. At the Hearing an application for costs was made by Mr & Mrs A McNeill against the Council. This application is the subject of a separate Decision.

Main Issues

3. The appeal site is located within the Metropolitan Green Belt. It is also situated within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and I am mindful of my statutory duties in this regard. Therefore, the main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Metropolitan Green Belt and its effect on openness, having regard to the

National Planning Policy Framework (the NPPF) and any relevant development plan policies; and

- The effect of the proposal on the character and appearance of the appeal dwelling and the wider area, with particular regard to whether or not the proposal would conserve and enhance the natural beauty and landscape of the AONB and its effect on the Area of Great Landscape Value (AGLV).

Reasons

Whether or not inappropriate development

4. Paragraph 143 of the National Planning Policy Framework 2019 (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling (paragraph 145). The term 'original building' is defined in the NPPF as a building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally.
5. The appeal dwelling is a detached property, which the evidence indicates has been extended previously. From the agreed Statement of Common Ground between the main parties, it is not a matter of dispute that the original dwelling measured some 323 square metres (sqm) in floor area and the existing dwelling, as previously extended, is some 458sqm in floor area. These existing additions have extended the original building to the side, front and rear. Furthermore, there is no dispute between the main parties that the appeal proposal, including the garage, would result in a net further increase of some 97.77sqm of floorspace. There is nothing before me that would lead me to disagree with these figures.
6. The *Guildford Local Plan 2003* (LP) Policies H9 and RE2 seek to avoid adverse impacts on the Green Belt, including in relation to openness, and to limit extensions to dwellings to avoid disproportionate additions taking into account the size of the original dwelling. However, neither these policies nor the NPPF identify specific limits or thresholds in terms of floorspace or volume. In this regard, the explanatory text to Policy H9 refers to the potential for further small extensions, even where a number of previous extensions to the original dwelling have occurred.
7. My attention has been drawn to a number of other appeal decisions within the Council's administrative area. Whilst I do not have full details of those cases, or the background to those decisions, to the extent that they also consider the assessment of proportionality, they are helpful. I have, however, considered this case on its merits and in light of all representations made.
8. The appeal dwelling is a detached property, situated within a large site, some distance from its nearest neighbours. From my visit to the area, those neighbouring properties generally comprise sizeable detached dwellings within relatively generous gardens. Within this context, the previous extensions undertaken to the appeal dwelling do not have the appearance of disproportionate additions.

9. The current proposal would result in a further extension to the dwelling, which would be situated between two existing rear projections. This would not extend the built form of the dwelling beyond the envelope of the existing development and its impact on openness would be negligible. The garage would be within an area of hardstanding, which is situated between the proposed extension and the rear of the site. Due to its character and appearance, this part of the site clearly forms part of the existing developed residential area, rather than the surrounding countryside.
10. Consequently, whilst the proposed garage would have some impact on openness, due to its relatively modest scale, sympathetic siting, close relationship with existing development and the local topography, I consider that this would be minimal. Overall, I find that the impact of the appeal scheme in this regard would not be harmful. Furthermore, for similar reasons, I consider that the appeal proposals would not appear as disproportionate additions.
11. Moreover, even if I were to consider that proportionality should be assessed primarily as a mathematical calculation, I am not satisfied that it has been adequately demonstrated that the overall extent of existing and proposed additions would be disproportionate. Whilst the cumulative additions would be sizeable, amounting to an undisputed increase of some 72% in the size of the original dwelling, there is nothing substantive before me that leads me to conclude that, overall, this would be disproportionate.
12. Consequently, for the reasons given, I conclude that the proposal would not be inappropriate development in the Metropolitan Green Belt and that the effect of the proposal on openness would not be harmful. It would not conflict with LP Policies H9 and RE2, where they seek to protect the Green Belt, and would meet the similar aims of the NPPF.
13. Policies of the emerging *Guildford Borough Submissions Local Plan and Main Modifications September 2018* (ELP) have also been drawn to my attention. This plan is at an advanced stage of its preparation and is nearing the end of the examination process. Whilst I have therefore accorded ELP Policy P2 significant weight in this regard, it does not lead me to alter my findings above.

Character and appearance

14. The appeal dwelling is situated within a relatively generous site, part of which was formerly a quarry. The dwelling is set back some distance from the road and the land to the site frontage is largely open. A heavily treed slope rises steeply to the rear of the dwelling, in relatively close proximity to it. As a result, wider public views of the building are restricted, with most readily available views being those from the road, of the front of the dwelling.
15. Due to the particular characteristics of the site, the local topography and the design of the development proposed, it is not a matter of contention that the appeal extension would not have a detrimental impact on the wider landscape or character of the area, including in relation to the AONB and the AGLV. Moreover, due to its siting and relationship with the dwelling, the impact of the proposed detached garage is also considered acceptable. For the reasons given, I share these views.

16. Furthermore, having regard to the overall design and siting of the appeal proposal in relation to that of the appeal dwelling as existing, I am satisfied that the details of the scheme, including the scale, bulk and elements of flat roof design of the proposal, would not appear incongruous or obtrusive. It would incorporate several features of the existing dwelling, as extended, and would complement its appearance. In terms of their overall scale and design, the extension and garage would represent relatively modest and sympathetic additions to the property.
17. Accordingly, I conclude that the proposal would have an acceptable effect on the character and appearance of the appeal building and the wider area. It would conserve the landscape and scenic beauty of the AONB and would not result in harm to the AGLV. It would be in accordance with the LP Policies G5 and H9, where they seek to protect local character and appearance, including in relation to landscape, and would not conflict with the similar aims of ELP Policies P1 and D1.

Other matters

18. My attention has been drawn to a number of previous decisions relating to the site, including a planning permission, Ref 16/P/02448, dated 30 January 2017 and Certificates of Lawful Development, all dated 24 May 2017, Refs 17/P/00904, 17/P/00905, and 17/P/00906. Discussion took place at the Hearing as to the effect of Article 3(4) of the Town and Country Planning (General Permitted Development) (England) Order 2015 in relation to these previous decisions and the appellants' 'fall-back' position advanced in support of the proposal.
19. It was not a matter of contention that the previous planning permission has been implemented and I saw evidence of this on my visit to the site. This permission is subject to a condition restricting the use of permitted development rights. Given my findings above, it is not necessary for me to consider the appellants' fall-back position in detail. However, I am satisfied that this condition would control further development on site. As such, this is not a reason to find against the proposal.
20. The proposal would also result in benefits for the appellants, in relation to the amount and quality of accommodation available within the dwelling, including its internal arrangement. Insofar as this would support the continued residential use of the building, the scheme may also have some public benefits. However, there is nothing before me to suggest, nor do I consider, that the use of the building as a dwelling would be at risk in the absence of the proposed development. As such, whilst these matters weigh in favour of the scheme, I have given them only very limited weight.

Conditions and conclusion

21. I have found above that the development would not be inappropriate development within the Green Belt and would not result in harm in other respects, including openness.
22. I have considered the Council's suggested conditions in the light of the Planning Practice Guidance and the NPPF. For clarity and to ensure compliance with the Guidance, I have amended some of the suggested wordings. Otherwise than as set out in this decision and conditions, for certainty, it is

necessary that the development be carried out in accordance with the approved plans. In the interests of the character and appearance of the area, it is necessary to control the external finishes of the appeal development.

23. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Napier

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ms Kerry Dames	Fredrick Adams Ltd, Agent
Mr Tom Dames	Fredrick Adams Ltd, Architect
Mr Adam McNeill	Appellant
Ms Tracy McNeill	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Ms Rebecca Souter	Senior Planning Officer
Ms Margarita Romanovich	Planning Officer

INTERESTED PERSONS:

Ms Jutta Johnson	Local Resident
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DOCUMENTS SUBMITTED AT THE HEARING

- 1 Agreed Statement of Common Ground, dated 28 January 2019
- 2 Extract from the Guildford Borough Submissions Local Plan and Main Modifications September 2018
- 3 Copies of drawings, Refs 1780-3021; 1780-3020, 1780-3121, 1780-3221