

## Planning Committee

26 February 2020

### Planning Appeal Decisions

The following appeal decisions are submitted for the Committee's information and consideration. These decisions are helpful in understanding the manner in which the Planning Inspectorate views the implementation of local policies with regard to the Guildford Borough Local Plan: strategy and sites 2015 - 2034 and the National Planning Policy Framework (NPPF) March 2012 and other advice. They should be borne in mind in the determination of applications within the Borough. If Councillors wish to have a copy of a particular decision

letter, they should contact  
Sophie Butcher (Tel: 01483 444056)

1.	<p><b>Mr Konstantin Gogol</b> <b>25 Hornbeam Road, Guildford, GU1 1LR</b></p> <p><b>19/P/00129</b> – The development proposed is extensions to existing house, rear single storey extension, side two storey extension, partly wrapping the rear of the house and loft conversion with hip to gable roof and rear dormer – subdivision of unit to create new separate 2-bedroom house.</p> <p>Delegated Decision – To Refuse</p> <p><b>Summary of Inspector's Conclusions:</b></p> <ul style="list-style-type: none"><li>• The main issues in this case are the effect of the proposal on the character and appearance of the host property and surrounding area;</li><li>• Whether the proposal provides a suitable standard of accommodation for future occupiers;</li><li>• The effect of the proposal on the Thames Basin Heaths Special Protection Area (SPA).</li><li>• The appeal site forms a two-storey end terrace property. The surrounding area is characterised by semi-detached and terraced properties of similar design and materials with generally long gardens.</li><li>• Whilst some dwellings have single storey side extensions overall the consistency provides the area with a generally uniform character.</li><li>• Viewed from the front elevation, the proposed set back gives the extension a subordinate appearance to the host dwelling. However, the wrap around extension results in a combination roof form. This would be out of character with the simple hip roof and front gable of the property at the other end of the terrace row and of other end terraced dwellings in the locality.</li><li>• The proposed rear dormer due to its extent across most of the rear roof plane, would form a dominant feature, unbalancing the symmetry of the terrace block.</li><li>• As a result of the dwellings prominent corner position adjacent to an area of open space, the proposed extensions would be highly visible, impacting negatively on the character of the street scene.</li><li>• The proposed sub-division to create two separate dwellings would result in the properties each having small back gardens with a width of approximately 4.5 metres. These would be particularly small when compared to other terrace dwellings and uncharacteristic of the pattern of development in the area.</li><li>• The appellant had advised that the appeal property benefitted from an</li></ul>	<b>DISMISSED</b>
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	<p>extant planning permission for a two-storey side and rear extension and also has a certificate of lawfulness for permitted development for extensions comprising a hip to gable roof enlargement and a rear dormer window with rear single storey extension.</p> <ul style="list-style-type: none"> <li>• The question of whether the combined extensions would still benefit from permitted development rights is not a matter for me in this appeal. A further consideration is that the permitted extensions would result in the enlargement of a single residential property, they do not provide a separate residential unit.</li> <li>• Due to the differences outlined I do not agree that they provide a viable fallback position.</li> <li>• I consider that the appeal proposal would cause harm to the character and appearance of the host property and the local area. It would therefore fail to comply with saved policies G5 and H4 of the 2003 Local Plan and Policy D1 of the 2019 Local Plan.</li> <li>• The proposal would also be in conflict with the National Planning Policy Framework (NPPF) which in paragraph 127 aims to ensure that planning decisions are sympathetic to local character and provide visually attractive developments.</li> <li>• The subdivision of the extended appeal property would result in the existing house (P1) having 3 bedrooms with accommodation in the roof space and a gross internal floor area of 107 square metres. The submitted plans suggest the property would accommodate 6 persons. Applying the nationally described space standards requirement of 108 square metres for 6 persons, the property would just be substandard.</li> <li>• The new dwelling would have 2 bedrooms at first floor, a double and a single room, and an internal gross floorspace of 70 square metres. This would just meet the space standards for a 3-person dwelling.</li> <li>• The submitted plans maintain a good standard of ground floor living space for P1 and P2, however, they illustrate an awkward and in places narrow room layout at first floor. This results in a poor living environment for future occupiers.</li> <li>• Bin storage would be in the rear garden areas. The occupiers of P1 would need to take their bin through a narrow rear access arrangement which would necessitate passing the front door and living room and kitchen windows of the new property P2. This would not be a satisfactory arrangement to maintain the amenities of the occupiers of the new dwelling.</li> <li>• I consider that the appeal scheme would not provide a suitable standard of accommodation. The proposal would therefore conflict with Saved Policy G5 of the 2003 Guildford Local Plan and Policy D1 of the Guildford Local Plan 2019 which aim to provide well designed inclusive new development which promote community and healthy living.</li> <li>• As I have found that the scheme is unsatisfactory, it is not necessary for me to consider whether, subject to mitigation, the proposal would not have an adverse impact on the SPA either alone or in combination with other projects.</li> <li>• I dismiss the appeal.</li> </ul>	
	<b>Mr &amp; Mrs Butler</b>	

<p>2.</p>	<p><b>Willow Barn, Effingham Common, Effingham, Surrey, KT24 5JD</b></p> <p><b>18/P/01728</b> – The development proposed is described as ‘single storey extension to side and front’.</p> <p>Delegated Decision – To Refuse</p> <ul style="list-style-type: none"> <li>• The main issues in this appeal are whether the proposal would be inappropriate development in the Green Belt, and its effect on the openness of the Green Belt;</li> <li>• The effect of the proposed development on the character and appearance of the area;</li> <li>• The effect of the proposed development on the living conditions of the occupants of Willow Cottage, with particular reference to outlook; and</li> <li>• If the proposal would be inappropriate development in the Green Belt, 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.</li> <li>• Policy P2 includes a definition of the term ‘original building’ which is the building as it existed on 1 July 1948; or if no building existed on 1 July 1948, then the first building as it was originally built after that date.</li> <li>• The appellant’s own figures state that the existing structure is 149.4sqm. This figure does not include a garage that was approved in 1992 at the same time as the existing house.</li> <li>• There is no dispute that the appeal scheme would add another 60sqm. Thus, the cumulative increase in floor area, when compared to the original building, would be considerable and disproportionate. This would be the case even if the approved garage had been constructed.</li> <li>• Historic mapping, supported by an historic photograph, indicates that the original building was a modest two storey semi-detached cottage located in the north eastern corner of the plot.</li> <li>• Once extended, the existing building, which is two storeys in height, would have a considerably larger footprint than the original building. It would also have a much greater depth and width, the latter spanning nearly the entire plot. The much greater massing when compared to the original building would result in a disproportionate addition when this is considered spatially.</li> <li>• The appeal scheme would be a disproportionate extension and therefore the proposed development would not meet the exceptions in policy P2. It would be inappropriate development in the Green Belt.</li> <li>• The proposal would result in a reasonably large extension occupying an area to the side of the dwelling that is currently open, being free of development save for low level decking.</li> <li>• This would inherently diminish and thus modestly harm the openness of the Green Belt and would do so even if the garage had been completed. The forward projection of the extension would be visible from the north, including a public footpath. There would then be a clear perception from publicly accessible vantage points that the building had been enlarged and the openness of the Green Belt eroded.</li> <li>• As such, the proposal would result in some modest harm to the openness of the Green Belt. The harmful loss of openness caused by the appeal scheme would be at odds with this fundamental aim.</li> <li>• The appeal site is located within a small cluster of dwellings set amongst woodland on the edge of Effingham Common. There is a rural ad hoc character to the cluster with the properties being of different sizes and style</li> </ul>	<p><b>DISMISSED</b></p>
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	<p>and occupy plots of variable dimensions. There is no consistent pattern or layout to the cluster, although dwellings tend to address the street.</p> <ul style="list-style-type: none"> <li>• The Council's Residential Extensions and Alterations Supplementary Planning Document 2018 (SPD) generally discourages front extensions as they can be prominent within a street scene and upset building lines.</li> <li>• The forward projection of the proposed extension would result in it being visible but not unduly prominent due to the set back of Willow Barn and the position of properties either side, which will provide some screening.</li> <li>• The extension would not upset a notional building line as it would not be sited beyond Willow Cottage or Wytecot. As such, the proposal would not offend the underlying reasons in the SPD for generally discouraging front extensions.</li> <li>• The single storey scale of the proposed extension would enable it to be subservient to the host building and Willow Cottage. The use of matching cedar cladding would also visually integrate it with the existing building, which itself stands out due to its form, method of construction and use of materials.</li> <li>• The layout would have a clear rationale, as it would help to create and reinforce a courtyard appearance focussed on the willow tree.</li> <li>• The proposed development would not harm the character and appearance of the area and therefore a conflict with Policy D1 of the LP and Policy G5 of the 2003 Local Plan, would not occur.</li> <li>• The side extension, although visible to the occupants of Willow Cottage, would not be unduly tall or overbearing. Thus, it would not harmfully enclose the garden of Willow Cottage or interrupt the outlook from this property, which already includes the tall gable of Willow Barn.</li> <li>• The appeal scheme would not harm the living conditions of the occupants of Willow Cottage and therefore a conflict with Policy G1(3) of the 2003 Local Plan, supported by the SPD, would not occur.</li> <li>• The harm to the Green Belt is not clearly outweighed by other considerations identified and therefore the very special circumstances necessary to justify the development do not exist.</li> <li>• The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. The appeal therefore fails.</li> </ul>	
<p>3.</p>	<p><b>Mr Peter Bowles</b>  <b>Heather Cottage, Fox Corner, Guildford, Surrey, GU3 3PP</b></p> <p><b>19/P/01352</b> – The development proposed is single storey oak framed garden room/orangery extension to side following demolition of existing conservatory.</p> <p>Delegated Decision – To Refuse</p> <ul style="list-style-type: none"> <li>• The main issues are whether the proposal would be inappropriate development in the Green Belt;</li> <li>• The effect of the proposal on the openness of the Green Belt; and</li> <li>• If the development is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.</li> <li>• The appeal building is a two-storey detached property within the Green Belt. The proposal is for the demolition of the existing conservatory and the erection of a single storey oak framed garden room / orangery extension to</li> </ul>	<p><b>DISMISSED</b></p>

	<p>the side elevation.</p> <ul style="list-style-type: none"> <li>Assessing proportionality is primarily an objective test based on size. On this basis, therefore, comparing the original building in 1948 to the one that would result if the proposal were to go ahead the outcome would be a disproportionate addition over and above the size of the original building failing to accord with the exception in paragraph 145c) of the Framework.</li> <li>Openness is an essential characteristic of the Green Belt. In that the bulk of the building would be increased by additional built form the proposal would reduce it.</li> <li>Although the development would not be readily visible from the public domain, the openness of the Green Belt has a spatial aspect as well as a visual aspect. The absence of visual intrusion from the public domain, the development, as a result of the increase in the bulk of the building, would have a moderate impact on the openness of the Green Belt.</li> <li>The appeal proposal would be inappropriate development in the terms set out in the Framework. This is a matter to which I afford substantial weight in the overall planning balance.</li> <li>In addition, there would be moderate harm caused to the openness of the Green Belt. Therefore, the appeal should be dismissed.</li> </ul>	
4.	<p><b>Mr Philip Hehir</b>  <b>Burchatt's Farm Barn, London Road, Guildford, GU1 1TU</b></p> <p><b>COSTS DECISIONS</b></p> <p><b>Appeal A</b>  The appeal was against the refusal of the Council to grant planning permission for development described as 'change of use from D2 (assembly and leisure) to D1 (non-residential institution) with designated first floor flat (no change of use involved) and internal alterations, and listed building consent for a series of minor internal alterations.</p> <p><b>Appeal B</b>  The appeal was against the refusal of the Council to grant listed building consent for works described as 'change of use from D2 (assembly and leisure) to D1 (non-residential institution) with designated first floor flat ( no change of use involved) and internal alterations, and listed building consent for a series of minor internal alterations.</p> <p>Delegated Decision – To Refuse</p> <ul style="list-style-type: none"> <li>The appellant suggests that the Council, in failing to determine the proposed change of use under Regulation 3 of the Town and Country Planning General Regulations 1992, acted unreasonably.</li> <li>I do not have the full reasons for the Council's decision in this regard, but that decision was the Council's to make and is not within the scope of these appeals, which deal with the planning and listed building consent applications. I consider that the Council acted responsibly.</li> <li>The appellant suggests that in refusing the appeal applications on the basis of the loss of a valued community facility, the Council acted unreasonably. At appeal, the Council substantiated its reason for refusal, which was based on legitimate concerns regarding the nature and consent of proposed works to the listed building and on that basis, I have no substantive evidence that this matter would have affected the need for either appeal.</li> <li>It is also suggested that the Council acted unreasonably in considering the</li> </ul>	<p><b>REFUSED</b></p> <p><b>REFUSED</b></p>

	<p>proposed internal alterations as part of the change of use application and this resulted in the listed building consent application being pre-judged. The works to the listed building, which included some external works, were necessary to accommodate the proposed change of use. In this respect, I consider that the Council acted reasonably.</p> <ul style="list-style-type: none"><li>• The Council had legitimate concerns regarding the nature and extent of proposed works to the listed building and on that basis, I have no substantive evidence that this matter would have affected the need for either appeal.</li><li>• The appellant further suggests that the listed building consent application was not discussed by the Committee. At appeal, the Council substantiated its reason for refusal in respect of the alleged harm to the special architectural or historic interest of the listed building, which it considered would not be outweighed by public benefits. Its case was logical based on planning matters and in this respect, I consider that the Council acted reasonably.</li><li>• Unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG paragraph 030, has not been demonstrated and an award of costs is therefore not justified.</li></ul>	
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