

Planning Committee

11 August 2021

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 decision letter, they should contact

Sophie Butcher (sophie.butcher@guildford.gov.uk)

1.	<p>Mr and Mrs Tim John 48 Wodeland Avenue, Guildford, Surrey GU2 4LA</p> <p>20/P/01923 – The development proposed is demolition of the roof for the erection of a new floor with both front and rear roof lights and alterations.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none">• The main issues are the effect of the proposed development on the character and appearance of the appeal property and the surrounding area; and• the effect of the proposed development on the living conditions of the occupiers of Nos 46 and 50 Wodeland Avenue, with regard to outlook and natural light.• The appeal property is a detached two-storey dwelling located on a residential road approximately 0.5km from Guildford town centre. It has a hipped roof and a front gable which sits over bay windows at ground and first floor level.• The development proposed would reconfigure the existing roof to accommodate an additional floor. The proposed new roof would include slopes at the front and back, which would join a hidden flat roof over the bulk of the property. The design would raise the dwelling's roof height in line with its neighbouring properties along the road.• The Council has indicated that the new roof design would be out of keeping with the street scene, as the current roof of the appeal property matches the design of its neighbouring properties which helps contribute to the symmetry between these dwellings.• Whilst I acknowledge that the appeal property does currently share some similarities with the detached dwellings to its west in terms of roof design, it also differs significantly from these properties due to its much narrower frontage and its lower roof line. The symmetry that is shared between the dwellings to its west therefore does not apply to the appeal property in the same way.• The proposed development would improve the appearance of the appeal property itself, as it would no longer appear dwarfed by the dwellings on either side. Similarly, it would contribute positively to the wider street scene, as the roof topography along the road would be more consistent. Moreover,	<p>*ALLOWED</p>
----	--	------------------------

	<p>the proposed roof would improve the relationship between the appeal property and Nos 46 and 44 to its east, as both these properties already include a front slope with gable feature, similar to the design proposed in this instance. The increased consistency between these properties would again complement the street scene.</p> <ul style="list-style-type: none"> • The roof extensions at Nos 46 and 44 also incorporate flat roofs at the rear which are more visible than the hidden flat roof proposed in this instance, so the development proposed would not be unique, as there are already other examples of flat roofs along the road. • The increase in height is modest, and simply aligns the ridge height with other neighbouring properties. Whilst the proposal would introduce a new storey, the top floor would be integrated within a sloped roof at the front and back, which ensures the additional storey would appear proportionate to the existing dwelling, and not overly dominant when viewed from the street. The proposal would also be commensurate with other roof extensions and conversions along the road and would therefore integrate well with the wider street scene. • The presence of front roof lights on neighbouring properties was also readily apparent on my site visit. On this basis, I do not consider that the proposed front roof lights would cause any imbalance with neighbouring properties, as they are already a feature of the street scene. • The proposed development would raise the roof height of the appeal property, which would allow it to integrate more seamlessly with the current street scene. It would also improve the consistency in design between the appeal property and the neighbouring dwellings at Nos 46 and 44. For these reasons, the proposal would improve the character and appearance of the appeal property itself and the wider street scene. The development would therefore be consistent with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034 (2019), and policies G5 and H8 of the Guildford Borough Local Plan (2003). Together, these policies require new development to achieve high quality design which is responsive to distinctive local character, and which respects established street patterns, scale, height and relationships with other buildings. The proposal would also be consistent with the overarching design objectives of the National Planning Policy Framework. • I am satisfied that the proposed development would not cause an unacceptable level of harm to the living conditions of Nos 46 or 50, in terms of overbearance or impact on natural light. The proposals would therefore be consistent with policies H8 and G1(3) of the Guildford Borough Local Plan 2003, which seek to ensure that new development does not impact adversely on the amenity of the occupiers of neighbouring properties, including effects on outlook and natural light. • I conclude that the appeal should be allowed. 	
2.	<p>Ben Nicholson Tree Services Ltd Woodhill Sawmill, Farley Heath Road, Albury, Surrey GU5 0SR</p> <p>20/P/02021 – The development proposed is erection of a forestry building.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issues are: <p>(a) whether the proposal would constitute inappropriate development in the</p>	*ALLOWED

Green Belt,

(b) the effect of the proposal on the landscape and scenic beauty of the Surrey Hill Area of Outstanding Natural Beauty (AONB), and

(c) if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

- The appeal relates to an area of open land surrounded by woodland with an excavated sandpit beyond. At the time of my visit there were a weighbridge, sawmill, several large wheeled or tracked vehicles and substantial log piles on site. The land was being used for forestry purposes. The proposal is to erect a forestry building on an area of concrete hardstanding.
- Paragraph 145 of the National Planning Policy Framework (the Framework) states subject to stated exceptions that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exception (a) relates to “*buildings for agriculture and forestry*”.
- Policy P2 of the Guildford Borough Local Plan Strategy and Sites (2019) (LPSS) is consistent with the Framework in relation to cited exceptions to inappropriate development in the Green Belt.
- The appellant has explained that the building would be used to store a mobile sawmill, forestry plant and as a drying barn for timber. It would be used for forestry purposes in association with the forestry use of the site. Case law confirms for this exception to inappropriate development that there are no restrictions relating to the size or location of the building. The proposal would be in accordance with exception (a) to Paragraph 145 of the Framework and there would be no conflict with Policy P2 of the LPSS.
- The Council is concerned that the building may not be used solely for forestry purposes referencing other services provided by the appellant including tree surgery and domestic arboricultural work. But the key consideration is the use of the proposed building in relation to the lawful forestry use of the site, not the breadth of services offered by the appellant.
- The appellant has explained that whilst there is a related arboricultural business, this is sub-contracted and operates from a separate yard with its own equipment. Furthermore, that the forestry business includes forestry work off site and the processing on site of timber from both on site and off site sources. It seems unlikely that the use of the proposed building would encompass materials or equipment relating to the arboricultural business given the smaller scale and different kind of operations involved, but if it did it would be open to the Council to consider the expediency of enforcement action.
- The building would be large, 49.22m long, 10.20m wide and 6.08m high clad in timber boarding with roller shutter doors to the front according to the plans. Its long axis would be parallel with Farley Heath Road with a landscape buffer 25m wide in-between. The building would not be readily visible from the road or from the site access.
- Its end wall would be seen from a public right of way to the north of the site, but the building would not be an unduly conspicuous feature amidst forestry operations in the open yard when viewed from this footpath. The building would not be visible from more distant viewpoints.
- The Council’s concerns relate to an impact on the AONB if the building is not used for forestry purposes, a matter I have already addressed. The building is proposed to be used for forestry purposes in association with the forestry use of the appeal site.
- Supporting paragraph 4.3.11 to Policy P1 of the LPSS comments that the

	<p>“Surrey Hills AONB Management Plan (2014-2019) ... interprets the AONB as a ‘living landscape’, which constantly changes across seasons and in response to the many social and economic forces placed upon it”. The building would be appropriate to its immediate context as a forestry site within a woodland setting and would have limited visibility beyond that context. It would not detract from the landscape character and scenic beauty of the Surrey Hills AONB and would not conflict with Policy P1 of the LPSS that seeks to conserve and enhance these qualities.</p> <ul style="list-style-type: none"> • As the proposal would not amount to inappropriate development in the Green Belt there is no need to consider if there are very special circumstances necessary to justify the proposal. • The proposal would not be inappropriate development in the Green Belt and would not adversely affect the landscape character and scenic beauty of the Surrey Hills AONB. For the reasons given the appeal should be allowed. 	
3.	<p>Mr L Budd Viewlands, Pinks Hill, Wood Street Village, Guildford, Surrey GU3 3BW</p> <p>20/P/01971 – The development proposed is erection of extensions and alterations.</p> <p>Delegated Decision – To Refuse</p> <ul style="list-style-type: none"> • The main issues are: <ul style="list-style-type: none"> (a) whether the proposal would constitute inappropriate development in the Green Belt, (b) the effect of the proposal on the scale and character of the existing property, and (c) if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. • Viewlands is a two storey detached house, the last in a row of detached dwellings accessed via an unmade track. It has been previously enlarged by the addition of a rear conservatory. The site and surrounding area are within the Metropolitan Green Belt. • Paragraph 145 of the National Planning Policy Framework (the Framework) states subject to stated exceptions that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exception (c) relates to “<i>the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building</i>”. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (adopted 2019) (LPSS) is consistent with the Framework in relation to cited exceptions to inappropriate development in the Green Belt. • The test for whether an enlargement would be “<i>disproportionate</i>” does not relate to openness in the Green Belt but requires a quantitative assessment. The Council states that the original building had a floor area of 94 sqm, that the existing building is 125 sqm and that the proposed resulting building would be 180 sqm. This would amount to a 91% increase in the size of the original building. The appellant disputes these figures stating the original building to be 96.6 sqm, the existing building to be 124.6 sqm and the proposed building to be 176.7% resulting in an uplift of 82% over and above the original building. 	DISMISSED

- Whilst there is a disparity of 9% in overall uplift between these calculations, both figures indicate a substantial increase in relation to the floor area of the original building. The appellant has made reference to a ballpark figure of 50% increase evident in other determinations in the borough. The increase in the current appeal proposal would be significantly greater than this. It would amount to a disproportionate addition over and above the size of the original building and so would not satisfy exception (c). The proposal would thereby be inappropriate development in the Green Belt.
- The proposal would replace the conservatory by a two storey extension with a pitched roof perpendicular to that of the present roof ridge and with a catslide roof feature to the front. These and other alterations would significantly change the scale, character and appearance of the house. Such a change could be a concern in a street of similarly designed houses resulting in a development out of keeping with the context of the locality.
- The existing building is modest in scale and has a pleasant cottage style appearance, but it is not of exceptional quality or design. The Council's policies do not require such a character to necessarily be retained in the context of a road of varied character like Pinks Hill.
- The proposed alterations would result in a dwelling of different scale and character, but there would be a coherent appearance and an acceptable design. The proposal would not be contrary to Policy D1 of the LPSS which requires a high quality design that responds to distinctive local character or to Saved Policies G5 and G1(3) of the Guildford Borough Local Plan (2003) which require the design of proposals to respect the context of the surrounding area and the amenities of occupants of neighbouring buildings; the latter issue was not included in the second refusal reason.
- Whilst I have concluded that there would be no material harm to the scale and character of the existing building, the proposal would nonetheless result in "*disproportionate additions over and above the size of the original building*". It would therefore be inappropriate development in the Green Belt. Paragraph 144 of the Framework affirms that "*substantial weight is given to any harm to the Green Belt*". The fallback scheme could be built and is a material consideration. Its impact on the Green Belt would be comparable to that of the appeal proposal in many respects. But having regard to all relevant factors examined above, the harm arising from the fallback scheme and the likelihood of its implementation would not clearly outweigh the substantial weight to be attributed to harm arising from the appeal proposal. Other considerations amounting to the "*very special circumstances*" necessary to justify the development therefore do not exist. The proposal would be contrary to Policy P2 of the LPSS and to the provisions of the Framework taken as a whole.
- I conclude that the appeal should be dismissed.