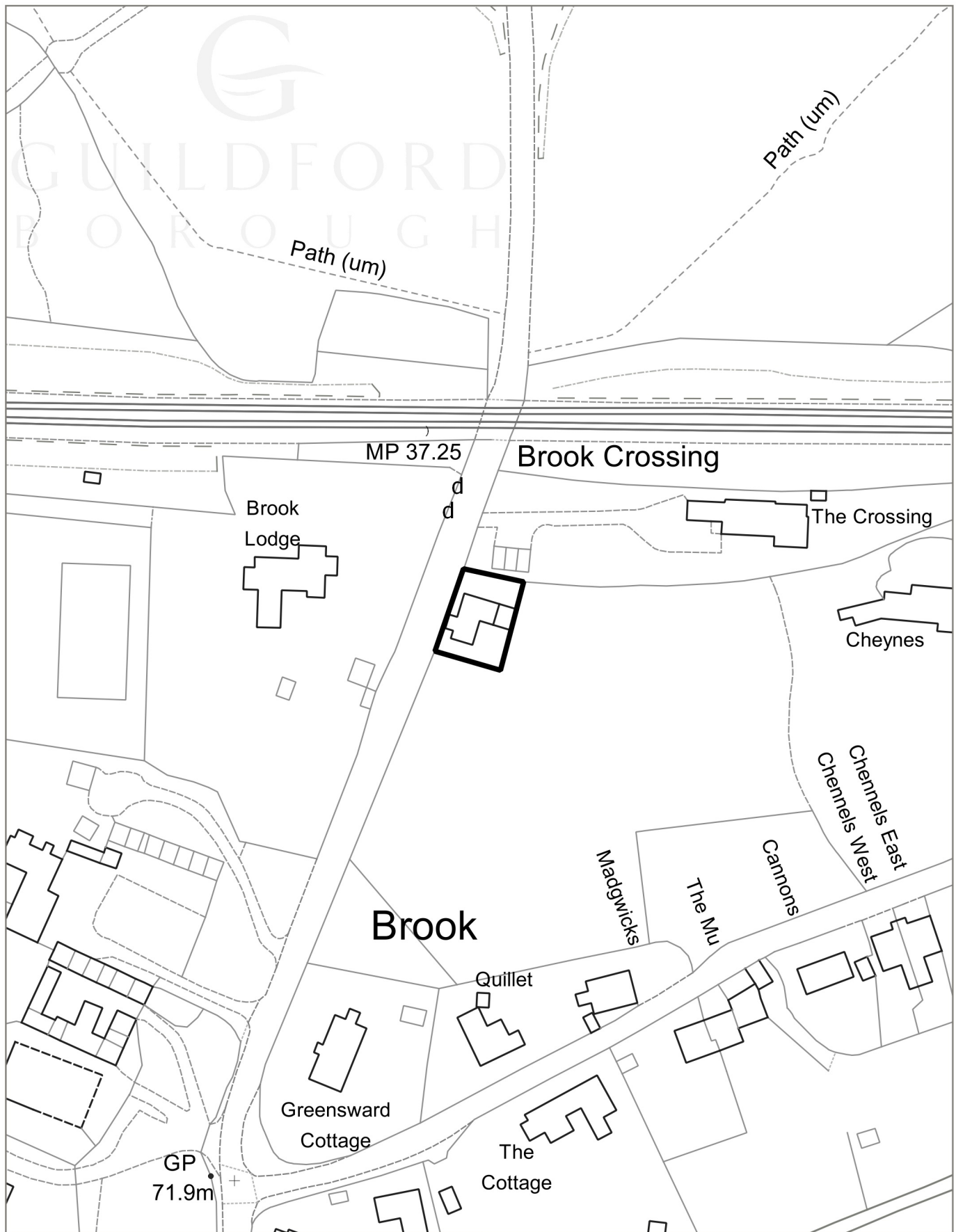


## 20/P/02042 - Cheynes, Brook Lane, Albury, Guildford



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This map is for identification purposes only and should  
not be relied upon for accuracy.

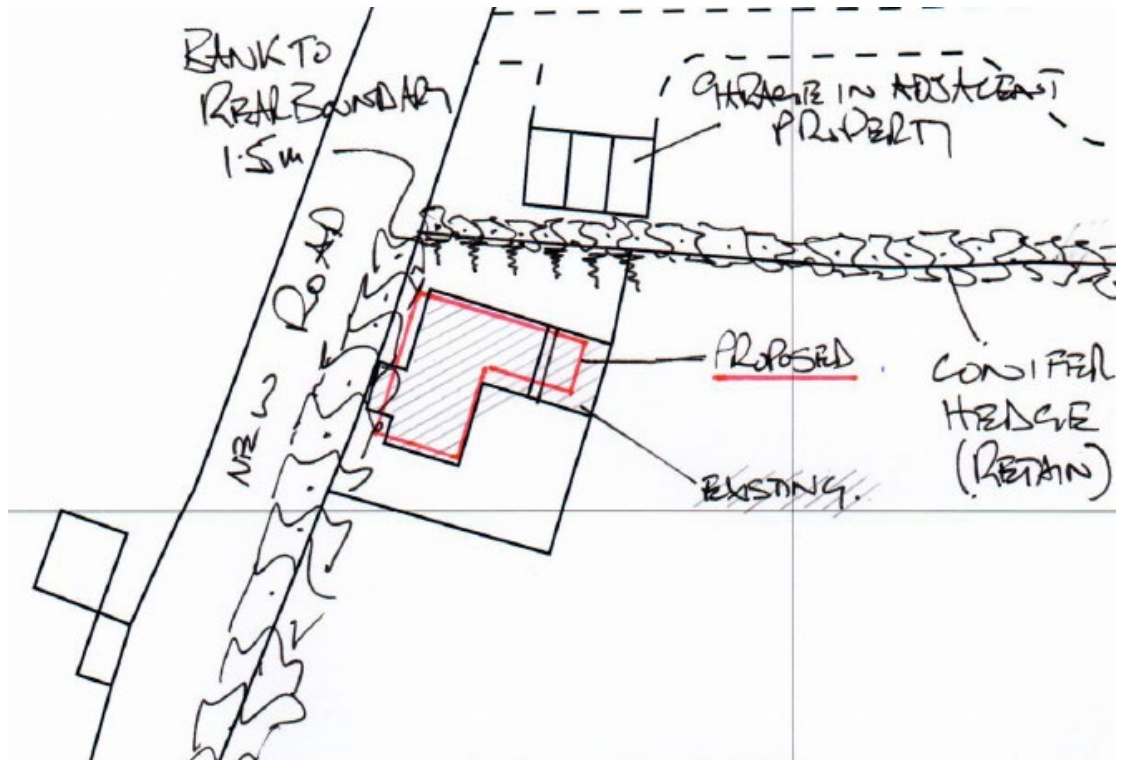
Print Date: 25/08/2021



Not to Scale



GUILDFORD  
BOROUGH



Not to scale



**App No:** 20/P/02042  
**Appn Type:** Full Application  
**Case Officer:** Maria Vasileiou

**8 Wk Deadline:** 28/01/2021

**Parish:** Albury  
**Agent :** Ms C Casey  
Rookery Barns  
Hartley Wood Farm  
Oakhanger  
Bordon  
GU35 9JW

**Ward:** Tillingbourne  
**Applicant:** Mrs Dyer  
Cheynes  
Brook Lane  
Albury  
GU5 9DH

**Location:** Cheynes, Brook Lane, Albury, Guildford, GU5 9DH  
**Proposal:** Variation of condition 2 of planning application 19/P/01353 approved 25/09/19 to allow the insertion of 2 roof lights and a clock on the roof top.

### **Executive Summary**

#### **Reason for referral**

This application has been referred to the Planning Committee because more than 20 letters of objection have been received, contrary to the Officer's recommendation.

#### **Key information**

Variation of condition 2 (drawing numbers) of planning application 19/P/01353, for the erection of a replacement stable, tack room and store/workshop following demolition of the existing, approved 25/09/19, to allow the insertion of 2 roof lights and a clock on the roof top.

#### **Summary of considerations and constraints**

The proposal would be of minor scale and proportions; the additional bulk increase would not be significant and overall it would not be a disproportionate addition to the original building. Therefore, the proposal is found to represent an appropriate development in the Green Belt.

The proposed development would not result in any harm to either the AONB or AGLV.

The proposal would have an acceptable scale and design and, as such, would respect the scale and character of the existing property and the character of the surrounding area.

The proposed development is not considered to result in a detrimental impact on residential amenities enjoyed by the occupants of the neighbouring properties.

For these reasons the application is considered to be acceptable and is therefore recommended for approval.

## **RECOMMENDATION:**

### **Approve - subject to the following condition(s) and reason(s) :-**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: EXISTING STABLES (FLOOR/ROOF PLAN AND ELEVATIONS), BLOCK PLAN, LOCATION PLAN received on 01/08/2019 and RBXIX 1142 2/2 ISSUE 7, RBXIX 1142 1/2 ISSUE 7 received on 30/11/2020.

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

### **Informatives:**

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

Pre-application advice was not sought prior to submission and the application was acceptable as submitted.

2. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk)

## **Officer's Report**

### **Site description.**

The application site is located within the Green Belt outside of any identified settlement area. This is also within an Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV). The area is characterised by detached and semi-detached properties varying in both scale and design.

The property to which the proposal relates is a large detached dwelling set within substantial grounds. There are a number of outbuildings and a swimming pool within this plot.

## **Proposal.**

Variation of condition 2 of planning application 19/P/01353 approved 25/09/19 to allow the insertion of 2 roof lights and a clock on the roof top.

## **Relevant planning history.**

<b>Reference:</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
21/P/00165	Retention of permeable block paving, shingle surface and shed (retrospective application).	Pending	N/A
20/P/00044	Proposed two storey front extension with internal alterations.	Approve 05/03/2020	N/A
19/P/01353	Erection of replacement stable, tack room and store/ workshop following demolition of existing.	Approve 25/09/2019	N/A
19/P/00875	Replacement stable, tack room and store/ workshop following demolition of existing.	Refuse 01/07/2019	N/A
17/P/01500	Erection of garden pavilion to replace two existing sheds and relocation of existing Wendy House (Retrospective application).	Approve 04/09/2017	N/A
17/P/00268	Retrospective planning application to reinstate trellis to section of front boundary wall and hedging.	Approve 11/04/2017	N/A
16/P/02039	Replacement boundary fence (retrospective).	Refuse 29/11/2016	N/A
15/P/00626	Proposed front extension to include new chimney and extension to bathroom on the first floor.	Refuse 13/07/2015	N/A
14/P/01708	Retention of existing tennis court, new green hard surface and replacement of existing fence with new black wire fencing.	Refuse 03/11/2014	N/A
14/P/01317	Retention of existing tennis court, new green hard surface and replacement of existing fence with new black wire fencing.	Withdrawn 10/09/2014	N/A

14/P/01131	New vertical slatted timber fences to replace existing horizontally slatted timber fence along boundary with Brook Lane and chain link fence along boundary with New Road (Retrospective application)	Approve 18/08/2014	N/A
12/N/00010	Non material amendment: increase the amount of glazing to lobby	Approve 14/02/2012	N/A
11/P/02001	Single storey front (north) extension to provide extended utility area and secondary access into Cheynes.	Approve 07/12/2011	N/A
11/P/00815	Proposed extension to the existing pool house.	Withdrawn 06/07/2011	N/A
11/P/00017	Single storey front extension.	Approve 02/03/2011	N/A
10/P/01085	Single storey front extension.	Approve 29/07/2010	N/A
10/P/00073	Erection of linking structure between the existing garage and gymnasium outbuildings. Change of use of garage building from use for the storage of private motor vehicles or domestic ancillary storage to additional ancillary space and the insertion of a glazed screen to replace existing garage door and a new window in the east and west elevations of the garage to facilitate its conversion.	Approve 11/03/2010	N/A
09/P/00480	New dormer window on north facing roof slope. Change existing hipped roof to gable roof on north elevation. Enlarge existing dormer on east facing roof slope. (additional plans received 14.04.09)	Approve 20/05/2009	N/A
08/P/01066	Insertion of two dormer windows to front elevation.	Approve 18/07/2008	N/A
07/P/02414	Detached summer house following demolition of two timber sheds and wendy house.	Refuse 08/01/2008	DISM 12/11/2008
06/P/01654	Detached summerhouse.	Refuse 01/11/2006	DISM 01/06/2007

05/P/01587	Extension to existing fence.	Refuse 27/09/2005	N/A
04/P/02674	Addition of two dormer windows to front elevation of existing loft. (Additional plans received 23/12/04)	Refuse 03/02/2005	N/A
04/P/02526	Construction of 600mm timber fencing on top of existing timber fence at rear of property.	Approve 07/02/2005	N/A
04/P/01354	Extension to existing garage.	Approve 03/08/2004	N/A
04/P/00209	Erection of oak timber framed two bay barn to be attached to existing building.	Refuse 02/03/2004	N/A
03/P/02114	Two storey side extension.	Approve 13/11/2003	N/A
02/P/00126	Two storey side extension (as amended by plans received 28/3/02).	Approve 02/04/2002	N/A
01/P/01347	Construction of grass tennis court and fencing.	Application Withdrawn 03/08/2001	N/A
99/P/01825	Construction of two foot high timber fencing on top of existing brick retaining wall at rear of property.	Approve 17/03/2000	N/A
99/P/01823	Demolition of existing barn and construction of new 'badger' barn on same footprint (amended plan received 01/02/2000 & 17/02/00).	Approve 07/03/2000	N/A
99/P/00350	Two storey side extension to provide kitchenette, family and utility room with bedroom and en-suite bathroom over following demolition of existing utility room. (As amended by plans received 22/03/99).	Approve 29/06/1999	N/A
98/P/01264	Demolition of existing utility room and lobby and erection of proposed new utility room, family room and lobby at ground floor only.	Approve 03/12/1998	N/A

98/P/01263	Proposed changing room and pool store for existing swimming pool. (As amended by plans received 18/11/98 and plans received 13/10/99 proposing redesign for pool house.)	Approve 03/12/1998	N/A
98/P/00684	Erection of a two bay car barn and log store (as amended 28/07/98.	Approve 13/08/1998	N/A
98/P/00233	New dormer window to rear and new bathroom in existing balcony area.	Approve 09/04/1998	N/A

## **Consultations.**

### Non-statutory consultees

Surrey Hills Area of Outstanding Natural Beauty Officer: "I have not visited the site, but Albury Parish Council refers to there being 5 rooflights and not the 2 referred to in the application. Further, the Parish Council submitted a photograph that is not on the website that the Parish Council illustrates the light pollution caused.

Light pollution in rural areas is causing increasing concern nationally. Further the Surrey Hills AONB Management Plan Policy P2 states: "In remoter locations, with darker skies, development proposals causing light pollution will be resisted."

Reference is also made by the Parish Council to the red and blue lines on the location plan which shows the site separate from the paddock. If the stabling relates to the field and is intended to continue to do so and not be a separate entity the two should be within the red line. I have experienced several planning applications to convert stabling into dwellings within the Surrey Hills. In this case 5 rooflights are unnecessary and seem excessive for this shape of stabling but may be suitable for residential occupation. I also note that the planning history at this property is lengthy, include many proposed developments and this building is far removed from the host dwelling. Consequently, I would recommend caution. If light pollution results from the rooflights the application should be refused referring to the above Management Plan Policy P2."

Albury Parish Council: "Albury Parish Council had no objection to planning application 19/P/01353 for the replacement of the stable at Cheynes. The Parish Council also had no objection to the subsequent retrospective application 20/P/02042 for two roof lights and a roof clock tower that had been added during the construction. Neither application had a letter from the Parish Council to inform the planning department of those no objection decisions."

### **Third party comments:**

35 letters of representation have been received raising the following objections and concerns:

- it represents inappropriate development within the Green Belt.
- the building appears to be much higher than the original that it replaced.
- the proposed development would be visible from the surrounding area
- inaccuracies to the plans - the stable has five rooflights instead of the two, as shown on the plans. [officer's note: the Case Officer has visited the site and confirmed that the rooflights are two, as per drawing plans.]



- the windows are a potential source of light pollution, in addition to the light pollution from multiple floodlights already attached to the property. [officer's note: the application is for two rooflights, not for sources of light on site. Any existing sources of light do not form part of this application.]
- the appearance of the current building suggests alternative use. [officer's note: the use of the building has already been assessed under planning application 19/P/01353, the proposal would not alter the approved use of the building.]

## **Planning policies.**

### National Planning Policy Framework (NPPF) 2021:

1. Introduction
2. Achieving sustainable development
4. Decision-making
12. Achieving well-designed places
13. Protecting Green Belt land
15. Conserving and enhancing the natural environment

### Local Plan

The Guildford Borough Local Plan: Strategy and Sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the Development Plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

P1	Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value
P2	Green Belt
D1	Place Shaping

### Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007):

G1(3)	Protection of amenities enjoyed by occupants of the building
G5	Design Code

### Supplementary planning documents:

Residential Extensions and Alterations SPD 2018

## **Planning considerations.**

This application is submitted under Section 73 of the Town and Country Planning Act (as amended). The provisions of Section 73 relate to the variation or removal of planning conditions attached to a grant of planning permission. The intention is that such matters would represent a minor material change to the original grant of planning permission.

The application must be determined on the basis of the effect of varying/removing the specified conditions. No other matters can be taken into account for example the principle of the original permission cannot be re-visited. Additionally, it is not appropriate to dismiss a proposal simply on the grounds that conditions were originally proposed and therefore by default should be retained. The local planning authority must consider whether any planning harm would result from the variation.

Section 73, gives two options when considering such applications:

- if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Under Section 73(a) officers should not limit themselves to assessing just the specific variation or removal suggested by the applicant. If an alternative change to the conditions would be acceptable then permission should be granted to that effect.

Part of the assessment under Section 73(b) should also be whether this would cause more than a minor material change to the original permission. In such cases permission should also be refused.

The primary considerations resulting from this change would be:

- impact on the green belt
- impact on the AONB and AGLV
- impact on scale and character
- impact on neighbouring amenity
- retrospective application

#### Impact on the green belt

The site is located within the Green Belt. The NPPF identifies that new buildings will be deemed inappropriate unless for specific purposes as set out in paragraph 149. Extensions to buildings are referred to, provided they would not result in a disproportionate enlargement to the original building. The test of whether there would be a disproportionate enlargement is not an openness test nor does it relate to the visual impact of the development. Neither is it a relative assessment to the size of other buildings in the surrounding area. Instead it requires a quantitative assessment, factors can include the floorspace uplift and three dimensional factors such as footprint, increases in height, width, depth and building shape.

Policy P2 of the adopted Local Plan confirms that Green Belt policy will be applied in line with the NPPF.

In this instance the building, as existing, is a replacement of that which originally existed on site. The Council's view is that the NPPF definition of original building for the purposes of the extensions to buildings in the Green Belt should relate to whichever building originally existed, either at 1948, or the building first constructed after 1948. Any replacement building does not become the new original building.

The NPPF glossary defines original building as 'a' building as it existed in 1948, rather than 'the' building as existed and in the Council's view this supports the case that the drafter envisaged the possible replacement of the first building. If this was not the case the NPPF would not have needed to use the term original and would have simply referred to 'the building'. It is also noted that case law in respect of the meaning of 'original' under PPG2 supported the interpretation that this referred to the first building and not any replacement. The Council considers that this judgement continues to hold weight given the very similar wording used in PPG2 and the NPPF.

This view is supported in Policy P2 of the adopted Local Plan, which states:

'The "original building" shall mean either:

- i. the building as it existed on 1 July 1948; or
- ii. if no building existed on 1 July 1948, then the first building as it was originally built after this date'

The inspector's report published after the examination of the local plan commented specifically on this point and clarified that the incorporation of this definition into the actual policy confirmed the Council's position.

Therefore, the starting point for this application must be that the original building is NOT the building which currently sits on the site, but rather that which the existing building replaced. Undertaking any other definition of 'original' would be contrary to Policy P2.

The proposed development would not further increase the scale or footprint of the building. Floor area is only one indicator of whether or not an enlargement is disproportionate, it is also necessary to consider the three-dimensional increase of the dwelling. The proposed development would be of minor scale and proportion and it would not be a disproportionate addition to the original building.

Therefore, the proposal is found to represent an appropriate development in the green belt and accord with policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and with the provisions of paragraph 149 of the NPPF 2021.

#### Impact on the AONB and AGLV

The proposed rooflights and clock would be installed on a stable, which is set within a much wider residential plot. The proposed development would be within an existing developed area and it would be screened by the existing mature vegetation. By virtue of the scale, location and design of the resulting structure would not appear unduly prominent to the detriment of the character of the existing dwelling and the surrounding area that would warrant refusal on these grounds.

Therefore, the proposal is found to represent an appropriate development in the AONB and AGLV; and would accord with policy P1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and with the provisions of paragraph 149 of the NPPF 2021.

#### Impact on scale and character

The proposed changes to the stable would comprise of two rooflights and a decorative clock on the roof top. Whilst the proposed changes would alter the appearance of the host building, the resulting structure would not appear unduly prominent to the detriment of the character of the existing dwelling and the surrounding area that would warrant refusal on these grounds.

As such, the overall development would comply with policies D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034, policy G5 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24/09/2007) and the provisions of NPPF 2021.

### Impact on neighbouring amenity

The proposed development would be located well away from any neighbouring properties and as such would have no unacceptable impact on neighbouring amenity, in terms of loss of light, loss of privacy or overbearing impact. Therefore, the development would comply with saved policy G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24/09/2007).

### Retrospective application

A ministerial planning policy statement on 31 August 2015 notes that the government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action. The ministerial statement therefore includes a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received from 31 August 2015.

In considering this current application, which seeks to regularise unauthorised development, the local planning authority has given some weight to the fact that the application is retrospective. However, in the absence of any evidence to demonstrate that the applicant intentionally sought to breach planning legislation, or any detailed guidance from central government on the level of weight that should be applied in such circumstances, the fact that this application is retrospective is only considered to weigh against granting planning permission to a very limited degree.

### Summary

The proposed rooflights and clock on the roof top of the stable would be of minor scale and proportions; the additional bulk increase would not be significant and overall it would not be a disproportionate addition to the original building. Therefore, the proposal is found to represent an appropriate development in the Green Belt.

The proposed development would not result in any harm to either the AONB or AGLV.

The proposal would have an acceptable scale and design and, as such, would respect the scale and character of the existing property and the character of the surrounding area.

The proposed development is not considered to result in a detrimental impact on residential amenities enjoyed by the occupants of the neighbouring properties.

For these reasons the application is considered to be acceptable and is therefore recommended for approval.