

Planning Committee

10 August 2022

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. Mr Ian Dixon

White Timbers, Forest Road, East Horsley, KT24 5ER

21/P/01695 – The development proposed is to retain the existing carport, cantilevered canopy and gabled roof construction and the conversion of the existing patio area to create a secure store/garaging facility.

Delegated Decision – To Refuse

Decision - ALLOWED

Summary of Inspector's Conclusions:

- The main issue is the effect of the proposal on the character and appearance of the existing dwelling and surrounding area.
- Forest Road is a main road running through East Horsley. Most of the houses are detached and set back from the road on large plots. Boundary treatments consist mainly of hedges, shrubs and trees, and there are regular mature trees lining the street. This creates a verdant and open character.
- The houses on Forest Road and the surrounding area vary in scale, form, and style. However, it is common for garages to be positioned in front of the host dwellings. There are several houses in the surrounding area, including along Forest Road, with garages of a similar scale and position to the appeal property's carport.
- Although positioned in front of the appeal property, the carport is set relatively far back from the road. The set back and front boundary planting mean views of the house and carport from the street are fairly limited and their appearance softened. Notwithstanding this, and despite some of the walls of the existing carport being enclosed, the integral garage door, which forms part of the front elevation of the house, is visible from the road because the western elevation of the carport is open.
- Given the moderate scale of the carport and its set back, it is not prominent in the street scene, and appears as a subservient addition to the existing dwelling. Its gable roof design reflects the roof of the existing dwelling and is in character with houses and garages in the surrounding area.

- The cantilevered canopy consists of a simple thin frame and transparent covering, which maintains a sense of separation between the house and the carport. Furthermore, it is not clearly visible from the street, and the views of the integral garage door through the western elevation of the carport give the appearance that the house and carport are two separate structures.
- The proposed addition to the carport to form a secure store/garaging facility is modest and would not increase the scale of the structure to such a degree that it would become dominant or overbearing. It would remain subservient to the main house. Given that the eastern elevation of the proposed store would be finished in timber cladding, the resulting appearance would be very similar to the existing carport.
- Accordingly, for the reasons above, I find the proposal would not harm the character and appearance of the existing dwelling or surrounding area. As such it would be in accordance with the aims of policy D1 of the Guildford Borough Local Plan 2015-2034, Policy G5 of the Guildford Borough Local Plan 2003, and Policy EH-H7 of the East Horsley Neighbourhood Plan 2017-2033 that seek to deliver good design and protect the character and appearance of the existing dwelling and surrounding area.
- The appeal site is next to Forest Farmhouse, a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to give special regard to preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- Forest Farmhouse is located in a residential area and the houses on Forest Road form part of its setting, as well as the area's verdant and open character. It is set forward of the neighbouring properties, much closer to the road, which makes it prominent in the street scene with the neighbouring properties and planting providing a backdrop. It is the open and verdant setting that is significant in relation to this appeal.
- The appeal property and Forest Farmhouse are separated by a relatively tall landscape boundary. This, together with the set back of the appeal property and its carport, maintains the open and verdant character of the area. Given this, and the modest scale of the proposal, I conclude that there would be no harm to the setting of the listed building or its significance as a designated heritage asset.
- I can understand that development being undertaken prior to it being permitted may cause frustration. However, while this can be a material consideration, I have concluded the proposal does not harm the character and appearance of the existing dwelling or surrounding area.
- Concerns have been raised that the proposal would allow the expansion of the appellants picture framing business that is operated from the appeal property and that this would result in an increase in noise and traffic. However, I have determined this appeal on the basis of the proposal for a domestic extension.
- I understand that the outlook from the neighbouring property, Kennan, may have changed as a result of development. However, as stated in the Officer's report, the walls of concern already benefit from planning permission and are not subject of this appeal. The Council have concluded that the alteration from the approved hipped roof to a gable ended roof would not result in any material effect on the residential amenity of the neighbour. I have no reason to depart from these conclusions.
- With regard to the above, I find that the proposal would be in accordance with the development plan, read as a whole. It has not been demonstrated that there are any

material considerations of sufficient weight to indicate that a decision should be taken otherwise in accordance with it.

2. Mr Mark Essex

82 The Street, West Horsley, KT24 6BE

21/P/00913 – The development proposed is a front porch adaptation, two storey side extension, part single-part two storey rear extension and loft conversion.

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issue is the effect of the proposal on the character and appearance of the existing dwelling.
- The appeal property is located on The Street, a main road running through West Horsley. It forms one half of a semi-detached pair, although its plot is wider and larger than its attached neighbour. The front of the appeal site is currently open, however, the house is set back from the road meaning its effect on the street scene is limited.
- The submitted plans show the existing house had a study at ground floor level, which projected forward past the principal front elevation of the house. To the side there was an existing workshop and carport. The front of the carport was almost flush with the front elevation of the study. Above the study, the first floor was stepped back past the principal front elevation.
- The proposed side extension, at ground and first floor, would be in line with the principal elevation, rather than flush with the front projection of the former study, like the carport, or set back like the former first floor. The roof line would also be contiguous, which would create a fairly bulky building form.
- While this means that the proposal would not appear subservient to the existing house, it would not be overly dominant. I understand that it is normally expected for extensions to be designed to be subservient additions, as set out in the Council's Residential Extensions and Alterations Supplementary Planning Document (2018). However, in this case, the resulting front elevation would be more balanced than the existing and would respect the form of the existing house by strengthening the principal elevation. Furthermore, the punctuation at ground floor level of the proposed porch, formally the study, and the existing bay window, which is being retained, would break up the elevation and provide visual interest.
- Although, the footprint of the overall proposal is relatively large compared to the plans of the existing dwelling, the scale of the additions would not be viewed as one. Each elevation would be proportional to the existing house and would not appear excessive or overbearing due to the design and the size of the plot.
- Accordingly, for the reasons above, I find the proposal would not harm the character and appearance of the existing dwelling. As such it would be in accordance with the aims of policies H8 and D1 of the Guildford Borough Local Plan and Policy WH2 of the West Horsley Neighbourhood Plan that seek to deliver high quality design that protects the character and appearance of the existing dwelling and surrounding area.
- The appeal property and its attached neighbour are similar in their form. However, there are existing differences, such as the appeal property's carport, workshop and larger plot size, which already unbalance the pair to some degree. As such, and given

that the proposal would respect the existing dwelling, there would be no harm to the appearance of the pair of dwellings.

- The southern section of The Street is within the West Horsley Conservation Area (WHCA). At the location of the appeal property the boundary of the WHCA runs down the centre of the road with the buildings to the west being within it and the buildings to the east just outside. The appeal property is located on the east side of The Street and therefore lies just outside.
- Concerns have also been raised regarding construction activities and the effect works at the appeal property may have on the attached neighbouring property. Understandable though these concerns are, any damage caused to property during construction would be a private matter between the parties involved. Any vibration, noise and disturbance associated with construction, including the parking of construction and delivery vehicles, would be for a temporary period only and, therefore, of very limited weight. Given the relatively moderate scale of the development, it is not necessary, to require approval of any details regarding the activities on site during the construction phase.
- In addition to the standard time limit condition, a plans condition is required in the interests of certainty. In order to protect the character and appearance of the existing house, a condition is necessary to clarify the external materials used in the construction of the extensions to match.
- With regard to the above, I find that the proposal would be in accordance with the development plan, read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to indicate that a decision should be taken otherwise in accordance with it.

3. Mr and Mrs P Good

Orange Grove, Littleton Lane, Guildford, GU3 1HN

21/P/00507 – The development proposed is the conversion of an ancillary outbuilding and a single storey attached extension for the purposes of providing 'Wellness' facilities serving the main house, together with associated external works alterations.

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issues are whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and Development Plan Policy;
- if found to be inappropriate development, the effect of the proposal on openness and the purpose of including the land in the Green Belt and 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 site comprises of a large, two-storey detached property, along with a number of ancillary buildings and intervening landscaping, situated within a generous curtilage within the Metropolitan Green Belt. It is within the Littleton Conservation Area (LCA) and the surrounding area is rural in character with a mixture of property types, some of which are listed. The proposal seeks permission to extend the outbuilding to accommodate wellness facilities to serve the main house.
- Some outbuildings may be considered as extensions to a main dwelling on the basis that they are normal domestic adjuncts. Given the modest size and use of the existing outbuilding to which the extension is proposed, and its close proximity to the main house, it appears to be a 'normal domestic adjunct'. Therefore, it would be appropriate that any extensions to this building, for the purpose of Green Belt calculations, are not considered in isolation but collectively with the main house.
- The planning history provided by the Council indicates that the building permitted in 2014 replaced an agricultural workers cottage. The site visit confirmed that this building is situated a considerable distance from the main dwelling, is serviced by its own driveway and hardstanding and is separated from the main house by an extensive landscaped garden. Therefore, it should not be considered on the same basis as the outbuilding, as a 'normal domestic adjunct', and should not be included in the Green Belt calculations.
- Although a full detailed planning history is not before me, the evidence indicates that the main house has not been significantly extended and that the works that have taken place are largely due to the conversion and alterations of the existing buildings. The appellant has provided some calculations from an officer report for a previous application, and as indicated above, the 2014 development should be discounted from these totals.
- Whilst the proposed extension would significantly increase the footprint, mass, bulk and volume of the outbuilding, it would still remain a modest development when considered in conjunction with the main dwelling. The extension would be set fairly far back to the side of the property and largely hidden from the street scene, due to its relationship with the main dwelling. There have been some contemporary alterations to the main dwelling and the proposed development would not appear out of character within this context.
- For the reasons given above, the proposal would not be inappropriate development in the Green Belt and therefore would accord with Policy P2 of Guildford borough Local Plan: strategy and sites 2015-2034, adopted 2019, and the provisions of the Framework, specifically Chapter 13. As a result, the proposal would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it. Furthermore, there is no requirement to assess if there are other considerations that amount to very special circumstances.
- The proposal would accord with the Development Plan when it is considered as a whole. For the reasons given above, I recommend the appeal should be allowed.

4. Mr Peter Franks

Peartree Cottage, Holmbury Hill Road, Holmbury St Mary, RH5 6NP

21/P/01310 – The development proposed is described as a "Rear extension and interior remodelling of Pear Tree Cottage.

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issue is whether the proposal would be inappropriate in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (2021) (the Framework); and
- if the proposal would be inappropriate development, whether it would

affect openness, and 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 it.

- Paragraph 147 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. Paragraph 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt, with the exception of, among other things, 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. The Framework defines 'original building' as the building as it existed on 1 July 1948 or, if constructed after this date, as it was built originally. Policy P2 of the Guildford borough Local Plan: strategy and sites 2015 – 2034 (April 2019) (the Local Plan) largely reflects the policy provided in the Framework.
- The property is a modest bungalow, sited on a residential road in a quiet village with verdant rural surroundings. The site features a spacious garden that declines in elevation away from the house, and the property is comfortably separated from its neighbours. The dwelling has been previously extended, increasing the floor area by 35.6%. This is not disputed between parties. However, the Council state that when including the proposal, the floor area would be increased by 70.4% from the original building, whereas the appellant suggests that the previous extension together with the proposal would only amount to a 63% increase.
- Whilst an increase in the floor area of 70.4% would be relatively significant, a percentage increase in floor area is not the only relevant consideration. The overall effect of the extensions in combination would not be proportionally excessive. The proposal would include a small flat-roof infill extension that would have a negligible effect on the form of the property. The rest of the extension would be relatively limited in its effect on the property as a whole. It would be located towards the middle of the property at the rear, and would follow the pitched form of the roof together with the addition of one smaller flat-roof element. The general form of the dwelling overall would therefore remain largely unchanged.
- For these reasons, the proposal would not be inappropriate development. It would therefore accord with Policy P2 of the Local Plan and the Framework. As the proposal does not amount to inappropriate development, the proposal would not by definition have an adverse impact on the openness of the Green Belt, and there is no requirement to assess if there are other considerations that amount to very special circumstances.
- Conditions relating to the commencement of the development, and that the development adheres to the plans submitted, are recommended in order to provide certainty. A condition ensuring the external materials match the existing building would be necessary in the interests of the character and appearance of the host dwelling and the surrounding area.
- The proposal is therefore seen to conform with the development plan as a whole. Based on the above, and having regard to all matters raised, I recommend that the appeal should be allowed.

5. Mr P Nelson

Norney Rough, Shackleford Road, Shackleford, GU8 6AE

21/P/00540 – The development proposed is the construction of an outdoor swimming pool together with an ancillary plant room and changing room building.

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main parties agree the outdoor swimming pool element of the proposal would constitute engineering operations and so is a form of development that is not inappropriate to the Green Belt, as set out in paragraph 150 of the National Planning Policy Framework 2021 (the Framework). The main issue is, therefore, whether or not the proposed plant room and changing room building (pool house) would be inappropriate development in the Green Belt.
- Shackleford is a loosely formed rural settlement constituting mainly large, detached properties within spacious plots set back from the road often enclosed with tall mature hedging. Norney Rough is one such property situated and to the rear and one side are other similar residential properties. On the other side, over School Lane is St Mary's infant school, with the village hall and church beyond. To the front, over Shackleford Road, is a farm and open fields.
- The appeal site is broadly central to the rear garden of Norney Rough and is surrounded by the main house, a detached 3 bay garage with first floor rooms above, an outside kitchen, a tennis court enclosed by fencing, as well as numerous other garden structures.
- Paragraphs 149 and 150 of the Framework set out what is not considered inappropriate development in the Green Belt. The proposed pool house would constitute a new building which does not fall under paragraph 150. Policy P2 of the Guildford Borough Local Plan 2015-2034 (Local Plan) refers directly to paragraph 149 of the Framework and defines specific elements of the 7 exceptions to inappropriate new buildings in the Green Belt. Both the Framework and Local Plan Policy P2 do not specifically refer to residential outbuildings, of which the proposed pool house would be.
- The Council, therefore, consider the proposed pool house to be inappropriate development within the Green Belt. The appellant refutes this position contesting that the pool house would fall under paragraph 149b) of the Framework, constituting the provision of appropriate facilities for outdoor sport and outdoor recreation. They have also submitted several decisions by the Council which support this position.
- Neither Policy P2 nor the Framework state that in the context of paragraph 149b) the outdoor sport or recreation facility cannot be for private use. The proposed pool house would therefore constitute a new building which would provide appropriate facilities (changing room and plant room) for outdoor sport and outdoor recreation, the proposed swimming pool.
- However, paragraph 149b) also requires that the proposed facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- The appeal site is within the domestic garden of Norney Rough surrounded by other ancillary buildings. Norney Rough is within the rural village setting of

Shackleford and Shackleford Road provides a clear boundary between this part of the settlement and the more rural and open character beyond.

- The proposed pool house would be screened from view by the existing garden structures at Norney Rough, as well as the mature boundary hedging. There would be potential of glimpsed views from upper floors of adjacent properties, but these would be within a backdrop of existing residential development and are not uninterrupted and open. As such I am satisfied that the proposal would not visually intrude into the openness of the Green Belt.
- However, openness is not purely visual and has a spatial aspect. The proposal would be within an existing, albeit low density, settlement and would not encroach beyond a defensible and clearly defined edge of that development, Shackleford Road. Therefore, I am also satisfied that the proposal would not spatially intrude into the openness of the Green Belt.
- The fundamental aim of Green Belt is to prevent urban sprawl. The location of the proposal within a rural settlement means it would not encroach into the wider countryside and so not contribute to urban sprawl nor the merging of separate settlements.
- The proposed pool house would not therefore constitute inappropriate development in the Green Belt. It would comply with Local Plan Policy P2 and paragraphs 147 -149 of the Framework. Consequently, it is unnecessary to consider whether very special circumstances need be applied.
- For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations, including the approach in the Framework, I conclude that the appeal should be allowed.

6. Mr Nadeem Ahmad

27 Old Palace Road, Guildford, GU2 7TU

21/P/01555 – The development proposed is conversion of garage door to window, single storey rear fill-in extension and first-floor side extension with roof alterations for loft conversion.

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issue is the effect of the proposal on the character and appearance of the street scene and surrounding area.
- Old Palace Road is a wide road, consisting predominantly of 2 storey semi-detached houses set back from the street on fairly large plots. The width of the road, and moderate scale and set back of the properties provides a sense of spaciousness.
- Every house is set back a similar distance, which forms a strong and consistent front building line. Most of the front gardens include an element of hardstanding for parking as well as shrubs and flowers. Hedges are also a common front boundary treatment. Together, this creates an open and green character.
- The houses on the south side of Old Palace Road, which include the appeal property, have a more consistent appearance than those on the north side. Although there are slight variations in their scale and form, they have similar materials and features, including 2-storey bay windows, which create a rhythm along the street and a degree

of uniformity. It is the group of houses on the south side of Old Palace Road, particularly those between Scillonian Road and Iveagh Road, which the appeal property contributes to.

- There are regular, albeit variable, gaps between the houses along the road. Some of the gaps close to the appeal property are comparatively narrow. The gaps are a feature of the street that add to its uniformity and rhythm. However, the size of the gaps is less important than their regularity. I saw that the open and green character is more a result of the width of the street and set back of the properties as described above.
- Several of the houses along the road have been extended to the side, which has resulted in some wider frontages, smaller gaps between properties and differing roof profiles. However, this has had a relatively limited and neutral effect on the character and appearance of the street scene.
- The proposed extension, as viewed from the street, would be of a modest scale and stepped back at first floor level. Given this, it would not be visually dominant and would appear as a subservient addition. Furthermore, its simple design and matching materials would respect the existing dwelling. While the form of the main roof would change, the hipped form added by the roof of the extension would be in keeping with the character of the street.
- I accept that the proposal would result in the loss of some of the gap between the host property and its neighbour at first floor level. I also acknowledge that the Council's Extensions and Alterations Supplementary Planning Document 2018 (SPD), whilst guidance, seeks to avoid a terracing effect where that would detrimentally affect local character, recommending a separation between properties of one metre or more.
- Although the proposal in this instance would extend to within 1 metre of the neighbouring property, that would only be fractionally so. As I have set out above the characteristic spaciousness of the area only derives in small part from gaps between properties, which are variable rather than uniform. In that context, and as the proposal would be set back from the principal elevation, it would have little meaningful effect on openness and would not create an adverse terracing effect. Moreover, I saw, notwithstanding the guidance in the SPD, that side extensions of varying forms have over time become somewhat characteristic of the area.
- The appeal property and its attached neighbour are quite similar in form. Both have single storey garage extensions to the side. The proposal would unbalance the pair and it may be that in isolation this would cause some harm. However, there are already a few unbalanced pairs along the road and on neighbouring streets, therefore, given it is characteristic of the area, the overall effect of the proposal is limited. The effect is also further reduced by the tall hedge that forms part of the front boundary treatment of the appeal property, which restricts, to a degree, views of the pair as a whole. Given the area is characterised by good sized plots, mature gardens and established landscaping, in my view such features are highly likely to remain in a similar form for aesthetics, privacy and consistency with local character.
- Accordingly, for the reasons above, I find the proposal would integrate appropriately with the character and appearance of the street scene and surrounding area. As such it would be in accordance with the relevant provisions of policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2019 and policies G1, G5 and H8 of the

Guildford Borough Local Plan 2003 that, in summary, seek to protect the character and appearance of the area.

- For the reasons above, having taken account of the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions set out above.

7. Mr J Brooks

115 Addison Road, Guildford, Surrey, GU1 3QE

21/P/01191 – The development proposed is the erection of a two-storey side extension and single storey rear extension.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the Charlotteville & Warren Road Conservation Area (CWRCA).
- The appeal site is a semi-detached two-storey dwelling, located in the CWRCA. The site is set back and elevated from the public highway with intervening landscaping and is accessed by a set of steps. The surrounding area is residential, and properties vary in design. The application is for the erection of a two-storey side and rear extension and a single storey rear extension.
- The proposed two storey extension would extend the width of the property toward the neighbouring boundary and introduce a porch, under which the front door would be relocated. Both the extension and the porch would be set back from the principal elevation and sit within the ridge height of the existing dwelling. The extension would be constructed in matching materials to the main dwelling.
- From the street scene, views would almost be limited to when the development is observed from directly in front of the property. However, the development would add bulk at both ground and first floor level, which would alter the architectural character of the property and cause an imbalance with the adjoining property when viewed from the public domain. Although the style of the properties on Addison Road vary, the appeal site and 113 Addison Road appear as a pair.
- The rear of the extension would adjoin the existing two storey rear outrigger and sit flush with the rear elevation, creating a valley roof with a matching ridge height. The extension would fail to appear subservient to the main dwelling and would appear incongruous when seen within the context of the adjoining property. Furthermore, the extension would project beyond the original side elevation of the property, and this increase in width and additional bulk would further unbalance the semi-detached pair and undermine the symmetry. Though views would be limited, the alterations would be visible from the rear gardens of neighbouring properties within the CWRCA.
- For the reasons given above, the proposed development would cause harm to the character and appearance of the host dwelling and the CWRCA. As the development would only be seen from a small part of the conservation area, it would cause less than substantial harm to the significance of it. There are no public benefits that would outweigh the harm that has been identified. The development would therefore fail to comply with Policy HE71 which requires new development

within a Conservation Area (CA) to preserve or enhance the character and appearance of the CA.

- The Council have cited Policy G5(7) in their reason for refusal. However, as this relates to the use of materials and the proposed development would match the existing materials of the dwelling and those nearby, it is not considered that the development would conflict with this particular Policy.
- For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

8. Mr Mark Evans

Pheonix Cottage, Effingham Common Road, Effingham, KT24 5JG

21/P/01758 – The development proposed is the construction of a detached garage.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issue whether the proposal constitutes inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policies;
- the effect of the proposal on the openness of the Green Belt.
- 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.
- The appeal site is a detached dwelling with a garage to its north that is situated within a generous plot on the north-eastern side of Effingham Common Road. There are limited public views of the site due to mature vegetation along the boundaries of the plot. The submitted documents show that there is an extant permission for a large side and rear extension at the property¹; during my visit I noted this had not yet been implemented.
- The large, detached garage would be positioned in front of the main dwelling and would incorporate a barn-hipped roof with cedar shingles. There would be log stores to the north-east and south-west elevations. The proposal would be located approximately 5.6 metres away from the dwelling.
- Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 outlines that the construction of new buildings should be regarded as inappropriate, save for a number of exceptions. One of these is 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.
- The proposed garage would be situated a short distance from the main dwelling. Its scale would be domestic, and it would have a functional and close physical and visual relationship with the main dwelling. The proposal would therefore appear as a normal domestic adjunct and is considered as an extension to the dwelling.
- The extant permission for the large side and rear extension would add considerable bulk to the original dwelling across ground and first floor levels. When considered in combination with this approved scheme, the proposed garage would have an overly large footprint and height. As such, it would result in a disproportionate addition over and above the size of the original building, thus failing to meet the requirements of

the Framework. While the dimensions of the proposal have been revised from a previously refused scheme², the overall size of the development would still be inappropriate in this context.

- If the extant permission were to be implemented, the proposed garage would have a smaller size in proportion to the main dwelling. However, the Framework directs me to consider the impact of additions to the original building. There is no mechanism within the appeal documents to prevent the approved scheme from being implemented, and so I must consider the impact if both schemes were built. Given that the side and rear extension would remove the existing garage and the facilities it provides, there is a reasonable likelihood that both schemes would be implemented together.
- Overall, the proposal would result in a disproportionate addition over and above the size of the original building. As such, it would conflict with the Framework and Policy P2 of the Guildford borough Local Plan: strategy and sites 2015-2034 (Local Plan), adopted April 2019, which seeks to prevent inappropriate development in the Green Belt.
- Paragraph 137 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- Although the proposal would not be particularly visible from the public realm or neighbouring properties due to the existing mature vegetation, it would be visible from the appeal site. The proposed garage would be a large additional structure to the site, which would detract from the openness of the Green Belt.
- However, due to its limited visibility and close association with the main dwelling, the impact on openness would be modest.
- The proposal comprises inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The limited harm to openness is also added to this harm. Paragraph 148 of the Framework specifies that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. As mentioned above, the other considerations do not carry significant positive weight and so do not clearly outweigh the harm identified. As such, the very special circumstances that would be needed to justify the proposal do not exist.
- I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

9. Isabelle Duncan

Cherrymans, Shophouse Lane, Albury, GU5 9EG

20/P/02092 – The development proposed is erection of single storey extension and alterations to the existing outbuilding.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF); and
- The effect of the proposal on the character and appearance of the host outbuilding and adjoining outbuildings.

- Paragraph 149 of the National Planning Policy Framework (the Framework) states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Policy P2 of the Guildford borough Local Plan: strategy and sites 2015-2034 (Adopted 25th April 2019) (the 'Local Plan') echoes this statement and defers to the Framework with regard to exceptions. One exception in the Framework is 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. Having regard to extensions to buildings, Policy P2 of the Local Plan states that the "original building" shall mean the building as it existed on 1 July 1948, which is consistent with the definition as set out in Annex 2 of the Framework.
- The term 'disproportionate additions' is neither defined in the Framework, nor is there a defined way of assessing and measuring proportionality set out within the development plan. It is held therefore that this is a matter for the decision maker to determine in the context of whether the extension would be disproportionate, albeit that with the reference to 'size' as set out in the Framework, this could reasonably refer to volume, height, external dimensions, footprint, floorspace or visual perception.
- The Council consider that the proposed single storey extension to the outbuilding would represent a disproportionate addition based upon a clear indication provided by the extent of the floor area increase. In this regard, I note there is some considerable variance in the calculations of the percentage increase in floor area between the parties. The appellant has indicated the proposed percentage uplift in floor area over the original building would be 21.5%, whilst the Council's calculations conclude an uplift of 185.5%.
- It would appear from the evidence before me that the Council have made a significant error when calculating the percentage uplift in floor area, even based upon the figures set out in their own calculations in the Planning Officer's Report. However, even allowing for any variation in the appellant's figures due to differing calculations from the Council on the original Gross External Area (GEA) and whether the lean-to is included within the baseline figures or not, from the evidence submitted, the appellant has provided a more reasonable basis for the calculation.
- Despite the dispute, this calculation cannot be solely relied upon to assess proportionality, but it does provide an appropriate indication of proportionality of the proposed development. Whilst the proposed extension would create additional floorspace, the width of the extension is modest and would follow the line of the existing 'lean to'. In addition, part of the proposals would result in the removal of an oil tank and compound located next to the outbuilding, which is currently a significant and bulky feature within the courtyard.
- On this basis, I do not therefore consider that the proposals would represent a disproportionate addition over and above the size of the original building, and it would therefore not be inappropriate development in the Green Belt as defined by the Framework. The proposals are therefore in accordance with Policy P2 of the Local Plan.
- The outbuilding is part of a group of traditional farm buildings arranged around a gravel courtyard. The outbuildings are all clad in dark painted featheredged timber boarding with pitched clay tile roofs and appear as a unified group. The courtyard and group of outbuildings are visible from outside the entrance to St Michael's

Church, a small converted barn building at the top of an unmade track that runs adjacent to the appeal property.

- I note that the majority of modern additions such as the proposed roof lights and bi-fold doors face the main house and garden of the appeal property, away from the courtyard, adjoining outbuildings and public view, and I do not consider the design or arrangement of these more modern additions would harm the character and appearance of the outbuilding or the group of adjoining outbuildings. I can appreciate that the design alterations proposed seek to link contemporary design with the rural setting and the use of complementary stained timber to clad the extension would help to unify it with the outbuilding and the group.
- However, although the proposed extension is modest and the overall ridge height of the outbuilding would not increase, the proposed eaves height would be set above the existing eaves height of the outbuilding, disrupting the current roof form and resulting in an awkward design detail. Due to the detailed design and height of the eaves, the extension, when viewed from the entrance to the courtyard would appear to overwhelm the original outbuilding and to some extent the adjoining outbuilding. The flat roof nature of the extension would contrast unfavourably with and detrimentally alter the shape and form of the group of outbuildings.
- On the basis of the above, I conclude that the proposal would cause unacceptable harm to the character and appearance of the outbuilding and adjoining outbuildings, as such, it would conflict with Local Plan Policy D1 which seeks, amongst other things to ensure development achieves high quality design. It would also conflict with saved Policy G5 of the Guildford Borough Local Plan 2003 (Adopted January 2003) which seeks, amongst other things, to ensure new development protects the character and appearance of buildings and the surrounding environment. It would also conflict with the Framework in so far as it requires that development should add to the overall quality of an area and should be sympathetic to local character.
- The proposal would also not accord with the Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) 2018 which states that extensions should be designed to complement the existing roof and be subordinate.
- I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

10. Mr Andrew Gibson

Newlynds, Brackendene, Ash, Surrey, GU12 6BN

21/P/02710 – The development proposed is a new double garage including workshop/store and bin storage on existing driveway. To occupy approximately half the current drive/parking area. Construction to be of concrete block rendered, pebble dashed and painted. To match finish and colour of the main house. Roof to be pitched and tiled with clay tiles selected to match existing house roof. Rainwater recovery tank to be installed to store water for use in the garden collected from new roof. External areas to retain gravel - no additional hard paving/paving blocks to be added.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issue is the effect of the proposed development on the character and appearance of the area.

- Brackendene is an unadopted and narrow unmade road lined with dwellings of a variety of architectural styles. Whilst the building lines vary, the dwellings are generously setback from the road, separated by front lawns and driveways. Collectively, this creates an informal character to the street scene and, notwithstanding the prominence of hedges and trees along Brackendene, there is a prevailing sense of spaciousness.
- Contributing to the distinctive local character, the host dwelling is substantially setback with a large front garden and boundary hedge fronting Brackendene. Close to the boundary with the road, the proposed development would be sited significantly forward of the host dwelling. The proposed development would also extend clearly beyond the main building lines of neighbouring dwellings and marginally beyond two adjacent outbuildings, which are modest in size in comparison to the proposed development. The proposed development would therefore appear as a departure from the prevailing character of the area and would be incongruous in this regard. Owing to the scale of the garage, together with the encroachment significantly beyond the main building lines, the proposed development would unacceptably erode the spatial character of Brackendene and interrupt the relationship between dwellings and adjoining open spaces.
- I recognise that the proposed development would use materials to match the appearance of the host dwelling and the roof design would reflect other roofs observed on Brackendene. I have also had regard to the appellant's stated desire to retain the hedge on the front boundary as a means of providing a degree of screening and to curtail views of the development.
- Despite this, there is no evidence before me to indicate that the hedge would be maintained in its current size and form, or a suggested means of securing such an outcome. In any event, whilst in the existing state observed during the site visit, the front boundary hedge of the host dwelling and a tree beyond the curtilage of the property would provide a degree of screening of the proposed development, it would nevertheless be a prominent feature from either direction along Brackendene due to its scale. The proposed development would therefore appear as a visually intrusive feature.
- The Council's delegated report refers to harm from the proposed development on the character and appearance of the host dwelling in terms of the legibility of the principal elevation. However, the Council's grounds for refusal, as set out in the decision notice, refers solely to the character and appearance of the area. Nevertheless, I observed that the host dwelling would be seen in the context of the neighbouring dwellings, including 87 Guildford Road, and these do not obscure the principal elevation of the host dwelling. However, notwithstanding the large scale of the host dwelling, the proposed development would interrupt and detract from its legibility due to the scale and visual prominence from Brackendene. I am therefore in agreement with the Council's view regarding the impact on the host dwelling.
- The appellant has brought to my attention the nearby 'Wildflower Meadow' development and a strategic location for development for approximately 1,750 homes. Whilst I recognise that these would contribute to the urban character of the area beyond Brackendene, these are of a considerably different scale and context to the proposed development. These cited examples therefore do not represent the same circumstances nor could be regarded as directly comparable to the character

and appearance of Brackendene and thus the specific context of the proposed development.

- For the reasons above, the proposed development would harm the character and appearance of the area. The proposed development would be contrary to Policy D1 of the Guildford Borough Local Plan: Strategies and Sites (2019) and saved Policy G5 of the Guildford Borough Local Plan (2003). Collectively, these policies seek high quality design that reflect the distinctive local character and patterns of development, together with setting out design requirements to protect and enhance the built environment. Overall, the proposed development would also not accord with the Council's Supplementary Planning Document (SPD): Residential Extensions and Alterations (2018), which seeks to avoid garages in highly prominent locations in front of the building line.
- I sympathise with the appellant's desire for secure parking and storage facilities, together with the constraints arising from the position of the host dwelling within the curtilage of the property. However, this does not outweigh the harm which I have identified to the character and appearance of the area. The proposed development therefore conflicts with the development plan taken as a whole and there are no other considerations, including the National Planning Policy Framework, that outweigh this conflict.
- For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

11. Mr and Mrs Little

Garages, Land to rear of Bishopsmead Parade, East Horsley, KT24 6DH

20/P/01725 – The development proposed is described as 'Removal of 13 existing purpose built garages. Replace with erection of terrace of three dwellings and associated parking. Construction of refuse and cycle store'.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The appeal was submitted due to the Council failing to make a decision within an agreed period of time. Based on the submitted policies, my site visit, and representations from the parties; I consider the main issues to be the effect of the development on (i) the character and appearance of the surrounding area; (ii) the living conditions of future occupiers, with particular regard to outlook, light, privacy and provision of outdoor space; and (iii) the living conditions of neighbouring occupiers at Chown Court, with particular regard to privacy.
- The site comprises garages to the rear of a traditional row of shops on Bishopsmead Parade. In addition to other uses, residential development is present to the rear of the shops. This includes the modern Chown Court apartment complex opposite the site, and more traditional dwellings behind on Bishopsmead Drive. In general, this residential development is situated on generous plots with outdoor space and gaps between properties.
- The proposal would replace the garages with three terraced dwellings. Although modern compared to the shops, it would be experienced alongside the Chown Court complex and would pick up on design details from dwellings on Bishopsmead Drive and the wider vicinity. In this general sense, it would not appear out of place. While

the Council has also raised concerns that the rear elevation would comprise a blank façade, this would be largely screened from view so as not to appear as a dominant mass of built form in the area.

- However, the proposal would be constructed close to the site boundaries, with limited useable rear space due to trees. In addition, its terraced nature would leave no gaps between the dwellings. Despite its varied façade and parking spaces, it would appear squeezed onto the site and read as a cramped form of development. This sense would be heightened by the more spacious plots present in surrounding residential development, such that the proposal would read as incongruous and contrived in this context.
- In contrast to the rear, the front elevation of the proposal would be highly visible in the immediate vicinity. The positioning of sparse windows and the high terrace walls would result in sizeable areas of unbroken brick and stonework on this façade, which would be an imposing addition to the street. It is acknowledged that this design is to address potential overlooking but would nonetheless further accentuate the contrived nature of the dwellings, highlighting the unsuitable nature of the development in this location.
- For the reasons given above, the proposal would have an adverse effect on the character and appearance of the surrounding area. As such, it would fail to comply with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015 - 2034 (adopted 25 April 2019), Policy G5 of the Guildford Borough Local Plan 2003, the Residential Design Guide Supplementary Planning Guidance July 2004 and the National Planning Policy Framework, which together seek to ensure good design.
- To address potential overlooking, no windows would be present along the rear of the proposal, with fenestration positioned exclusively along the side and front elevations. In the main living space at first floor, each dwelling would be served by bi-folding glass doors facing the terrace. It is acknowledged that these terraces are of limited size, such that the view from these doors would look directly onto the nearby tall, solid walls that enclose the outdoor space.
- With regards to Unit 1, this living space also contains a large window on the front elevation looking onto Chown Court, facing the single storey garages opposite, rather than the apartment complex. This dwelling would also benefit from an additional window to the side. While the built form of the shops would still be nearby, the overall combination of fenestration, and particularly the sizeable front window, ensures the room would not feel enclosed or dark, such that adequate outlook and light would be provided.
- However, the living space of Units 2 and 3 would be served by a narrower front window which, although long, would have a more restricted outlook such that the nearby apartments would feel more imposing, particularly given the lack of side window. Combined with the enclosed outlook from the bi-folding doors, these living rooms would feel surrounded by nearby structures, leading to a poor and oppressive outlook that would reduce the enjoyment of the rooms. Due to this enclosure and the overall reduced amount of fenestration it is likely that there would also be limited light in these rooms, further contributing to a gloomy living environment.
- The windows for the ground floor bedrooms would be directly adjacent to the public footpath on Chown Court. These would serve rooms where occupiers would expect a degree of privacy, but would allow clear, unrestricted views into the properties from

the passing footpath. This would be obtrusive for future occupiers and would erode their privacy to an unacceptable degree.

- While the proposed dwellings would benefit from a private terrace, this would be restricted to a modest and enclosed area, the size of which would limit its useful function. The constrained dimensions would be unlikely to comfortably support the range of uses reasonably expected of such space for a dwelling of this size, such as sitting out and drying washing. This space would therefore be both cramped and impractical in the context of the associated dwelling.
- For the reasons given above, while the proposal would not have an adverse effect on the living conditions of the future occupiers of Unit 1 of the proposal with regards to outlook and light, it would have an adverse effect on the living conditions of future occupiers of Units 2 and 3 with regards to outlook and light, and of all units with regards to privacy and the provision of outdoor space. As such, it would fail to comply with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015 - 2034 (adopted 25 April 2019), Policy G1(3) of the Guildford Borough Local Plan 2003 and the National Planning Policy Framework, which together seek to ensure adequate living conditions.
- The proposal would be located directly opposite the apartment complex on Chown Court. Front facing windows at Unit 1 would face the garages opposite, such that no significant overlooking of the apartments would occur. With regards to Units 2 and 3, front views from these dwellings would look directly towards windows serving habitable rooms in the apartments opposite.
- However, the largest windows at the proposal would look directly onto the first floor terrace, providing no views of the building opposite, with other windows being narrow in nature. In addition, the alignment of the proposed fenestration relative to the windows at the apartment complex, combined with the separation distance, would ensure the proposal would not result in significant overlooking so as to unduly impact the privacy of occupiers at the Chown Court apartments.
- For the reasons given above, the proposal would not have an adverse effect on the living conditions of neighbouring occupiers of Chown Court with particular regard to privacy. As such, it would comply with Policy G1(3) of the Guildford Borough Local Plan 2003, which seeks to ensure adequate living conditions.
- I have found that the proposal would not cause harm to the living conditions of the occupiers of Chown Court but would harm the character and appearance of the surrounding area and to the living conditions of future occupiers. Given the limited weight afforded to the other matters above, when taken together with the lack of harm to living conditions of occupiers of Chown Court, they do not outweigh the significant harm identified to the character and appearance of the surrounding area and to the living conditions of future occupiers by the proposal.
- For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.
- **COSTS**
- **Mr and Mrs Little against Guildford Borough Council**
- Decision – REFUSED

- The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
- The application for costs is made on the basis that the Council was unreasonable in failing to determine the application, such that the applicant was put to the cost of lodging an appeal against non-determination.
- Paragraph 47 of the Planning Practice Guidance (PPG) sets out examples of unreasonable behaviour which may give rise to a procedural award of costs, including a lack of co-operation with the other party or parties and failure to adhere to deadlines.
- Paragraph 48 of the PPG states that, 'If it is clear that the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation. In any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period'.
- In this case the application was submitted on 9 October 2020 with an initial target decision date of 4 December 2020, later extended by agreement between the parties until 8 January 2021. The evidence indicates that the Council communicated that the application would have to be determined by the Planning Committee, thus provided a reason for not reaching a decision within this initial timeframe.
- However, from this date there was limited communication from the Council, except for notification of change in Case Officer and a standard holding letter. I have no strong evidence before me to refute the applicant's assertions that no further reason was given for the delay during this time.
- A further extension was then agreed between the parties until 28 September 2021. After the expiration of this deadline the Council advised the applicant that it had not been met due to part time working and the volume of casework. Despite further assurances by the Council that the Officer Report was imminent, the applicant submitted its appeal.
- I accept that the Council did not determine the application within the prescribed period and that communication was at times sporadic, with deadlines missed. However, even if this was to amount to unreasonable behaviour I do not consider that it led to wasted expense on the part of the applicant. Prior to the submission of the appeal the Council had indicated that its current position was to refuse the application. As such, even if the application had been determined by the Council, it is likely that an appeal would have been an inevitable outcome. The applicant, in choosing to submit the appeal citing non-determination, did not therefore incur any additional expense.
- I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For the reasons given above, I refuse the application for an award of costs.