

# 21/P/01106 - The Old Cottage, Broad Street, Guildford



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Not to Scale



GUILD F O R D  
B O R O U G H

21/P/01106 – The Old Cottage



Not to scale

**App No:** 21/P/01106  
**Appn Type:** Full Application  
**Case Officer:** Benjamin Marshall  
**Parish:** Worplesdon  
**Agent :** Mr G Marshall  
Marshall Arts Design  
16 Sutherland Drive  
Burpham  
Guildford  
Surrey  
GU4 7YJ

**8 Wk Deadline:** 13/08/2021

**Ward:** Worplesdon  
**Applicant:** Mrs Osborn  
The Old Cottage  
Broad Street  
Guildford  
GU3 3BE

**Location:** The Old Cottage, Broad Street, Guildford, GU3 3BE  
**Proposal:** Erection of a single storey garden office outbuilding (retrospective application).

### **Executive Summary**

#### **Reason for referral**

This application has been referred to the Planning Committee because more than 10 letters of support have been received, contrary to the Officer's recommendation.

#### **Key information**

Construction of a single storey garden office outbuilding to the west of the site (retrospective application).

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

The proposed development constitutes the construction of new buildings within a green belt and as such is unacceptable. No very special circumstances have been identified.

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.

The impact on the green belt is not considered to be acceptable. The lack of harm in respect of the other matters does not constitute very special circumstances, it simply does not add any further reasons for refusal

## **RECOMMENDATION:**

### **Refuse - for the following reason(s) :-**

The construction of the new outbuilding in the green belt is inappropriate in the Green Belt. There are no very special circumstances that outweigh the harm of inappropriateness. The proposal therefore fails to comply with policy P2 of the Local Plan and para 149 of the NPPF.

### **Informatives:**

This decision relates expressly to drawings Location Plan, Block Plan and WS/21/01 received on 17/05/2021.

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 there are significant objections to the application that minor alterations would not overcome, it was not considered appropriate to seek amendments through the course of this application

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 relates to a large residential plot of land siting a two-storey detached dwellinghouse, constructed with clay tiled pitched roofs and rendered elevations. The site is located within the ward of Worplesdon.

The surrounding area is rural; consisting of a mix of detached and semi-detached properties and open spaces. The site does not lie within Article 2(3) land and there are no protected trees within or adjacent to the site. The site lies within the Green Belt and is bordered on the north and east sides of the property by a Site of Importance for Nature Conservation and a Surrey Biodiversity Opportunity Area.

**Proposal.**

The applicant has proposed the construction of a single storey garden office outbuilding to the west of the site (retrospective application).

**Relevant planning history.**

N/A

**Consultations.**

Parish Council

Worplesdon Parish Council - No comments received

**Third party comments:**

2no. letters of representation have been received raising the following objections and concerns:

- Not in keeping with main dwelling
- Too close to boundary
- Resulting glare
- Does not fall within permitted development

12no. letters of support have been received outlining the following positive comments:

- Conforms to the style of the existing dwelling
- No impact on neighbouring properties
- Discrete
- Does not face a highway
- Not overbearing

**Planning policies.**

National Planning Policy Framework (NPPF):

- 2. Achieving sustainable development
- 4. Decision-making
- 12. Achieving well-designed places
- 13. Protecting Green Belt land

## Guildford Borough Local Plan: strategy and sites (LPSS) 2015 - 2034

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).

D1	Place shaping
D3	Historic environment
P1	Presumption in favour of sustainable development
P2	Green Belt

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

G1	General Standards of Development
G5	Design Code

### Supplementary planning documents:

Residential Extensions and Alterations SPD (2018)

### **Site Background**

The outbuilding proposed is currently in situ, having been constructed believing it fell within permitted development under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended). The council's enforcement team were made aware of the outbuilding and consequently requested a retrospective planning application.

The outcome of the enforcement investigation was that the outbuilding does not fall within permitted development as it has been situated on land forward of a wall forming the principal elevation of the original dwellinghouse and measures more than 2.5 metres in height within 2 metres of the boundary of the curtilage of the dwellinghouse, and therefore fails to comply with Schedule 2, Part 1, Class E(c) and E(e)(ii) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended). Therefore, the applicant has no fall back position in this instance.

The applicant has provided additional information, which infers that the identification of the principal elevation by the council was inaccurate, however as a householder application was original submitted, not a certificate of lawfulness the assessment must be based on the householder application as it stands.

### **Planning considerations.**

The main planning considerations in this case are:

- the principle of development and impact on the Green Belt
- the impact on the scale and character of the existing site
- the impact on neighbouring amenity

### The principle of development and the impact on the green belt

The application site lies within the green belt, the NPPF makes clear at paragraph 149 that the construction of new buildings in the green belt is inappropriate. There are a number of exceptions to this listed at paragraph 149, however, the proposed building would not meet with any of these exceptions. The building would be over 5 metres from the residential property and as such is not to be physically attached to the dwelling so cannot be treated as an extension. The proposed use of the building would be for use as an offices space ancillary to the main dwelling. The proposal, therefore, represents the construction of a new building in the green belt which fails to comply with any exceptions and as such represents inappropriate development, which is by definition harmful to the green belt. Inappropriate development should not be approved unless in the case of very special circumstances which outweigh the harm identified.

The applicant's requirement for the structure has come about from a change of circumstance within the property, which has resulted in additional residents; whilst this is a material consideration and carries some weight, it would not outweigh the substantial harm by reason of inappropriateness to the green belt. The applicant has also provided a statement outlining a believed fallback position, commenting that the outbuilding could be constructed elsewhere on the property, behind the principal elevation and fall within permitted development, whilst this would address Class E.1(c) it would not, with any certainty, address Class E.1(e)(ii) with concerns remaining around the height. An outbuilding may be possible elsewhere within the site, however, no certificate is in place to demonstrate this and it is not the role of the LPA in this planning application to carry out unspecified lawfulness tests. Therefore in the absence of any further evidence on this matter it is considered that a theoretical fall back position can carry only limited weight. Overall the matters identified do not, either individually or collectively, constitute very special circumstances, as outlined in paragraph 151 of the NPPF and therefore, the proposal fails to comply with policy P2 of the LPSS and Chapter 13 of the NPPF, 2021.

### Impact on scale and character of the existing dwelling and surrounding area

The outbuilding has been constructed to the west of the property, at least 5 metres south of the existing dwellinghouse. The case officer has visited the site and is satisfied that its siting and scale is in keeping with the size of the existing dwellinghouse.

Whilst the materials used in the construction of the outbuilding are not matching those of the dwelling, it is not considered that the design of the outbuilding would not detract from the character of either the existing property or the surrounding area.

### Impact on neighbour amenity

The neighbouring properties most affected are 90, 92 94 and 96 Broad Street. The remaining adjacent neighbours are 86 Broad Street to the north and 74 to 88 Broad Street to the south.

Given the sufficient separation distances from the outbuilding to any adjacent dwellinghouse the size and siting of the extension would not cause a detrimental loss of light over either neighbouring property. The outbuilding lies just over 1 metre from the boundaries of 92 and 94 Broad Street, however there is significant screening to the south and a fence of at least 1 metre to the west, meaning the outbuilding would only be partial viewable from these properties.

It is also noted that the part of 94 Broad Street's boundary the outbuilding faces onto is the access road, and whilst the outbuilding would be viewable from the main dwellinghouse it is sited a significant distance away so would not be considered an overbearing feature.

The outbuilding is single-storey with windows facing into the property only, therefore there are no overlooking concerns resulting from the development.

### **Conclusion**

The proposed development constitutes the construction of new buildings within a green belt and as such is unacceptable. There have been no exceptional circumstances identified.

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.

The impact on the green belt is not considered to be acceptable, regardless of the design or impact on neighbours, and therefore for this reason the application is considered to be unacceptable and is recommended for refusal.