



23/P/00606 - Abinger Field, Sutton Place

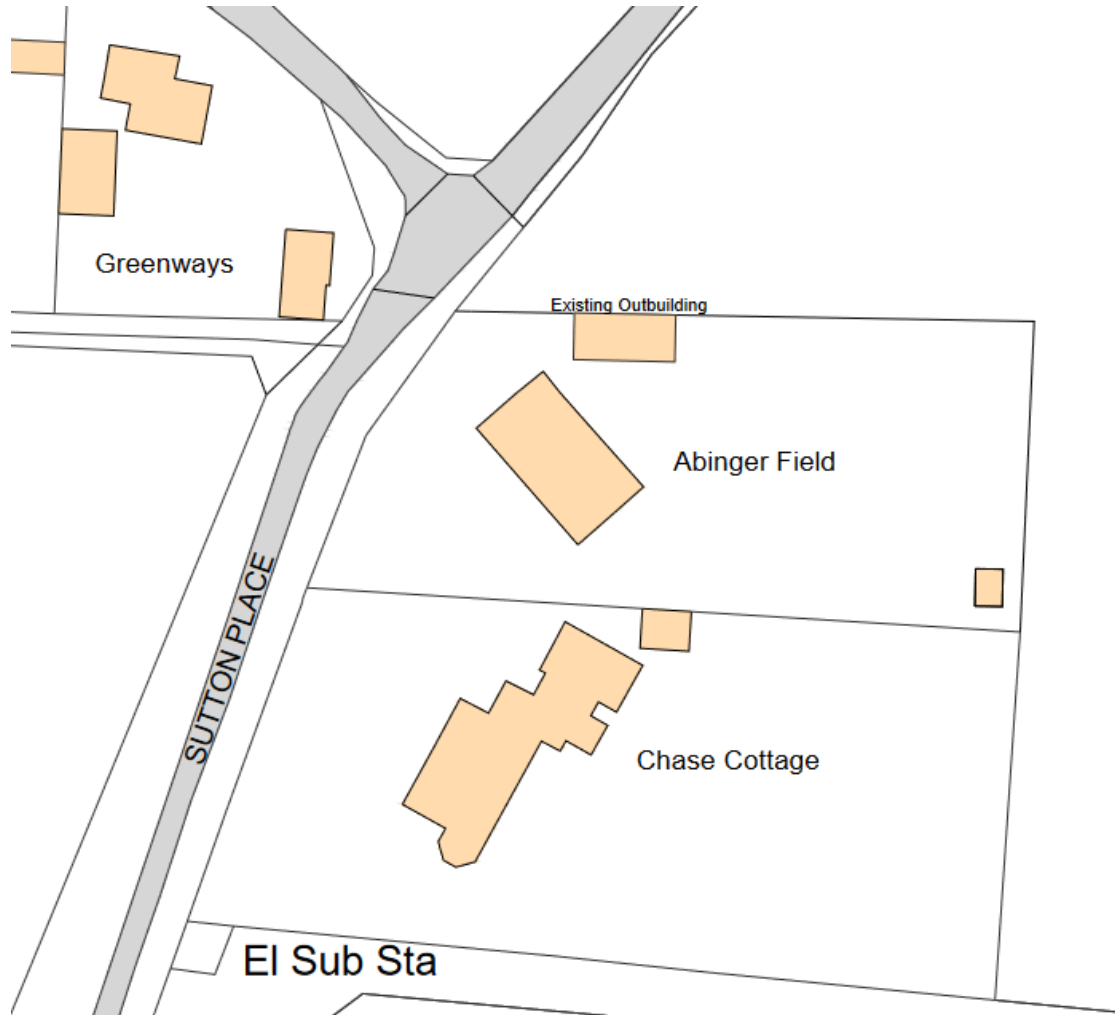


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23/P/00606 – Abinger Field, Sutton Place, Abinger Hammer, Dorking



Not to scale

App No: 23/P/00606

8 Wk 27/06/2023

Deadline:

Appn Type: Full Application

Case Officer: Lisa Botha

Parish: Shere

Ward: Tillingbourne

Agent : Mr. Spencer Copping

Applicant: Mr. and Mrs. Margree c/o

WS Planning &

t: Agent

Architecture

5 Pool House

Bancroft Road

Reigate

RH2 7RP

Location: Abinger Field, Sutton Place, Abinger Hammer, Dorking,
RH5 6RP

Proposal: Erection of an outbuilding (retrospective application).

Executive Summary

Reason for referral

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

Key information

The site is located within the Green Belt, within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV). The site is located in a rural area comprising of open fields and detached dwellings lining the road. The site itself comprises a detached, two-storey dwelling with an outbuilding (the subject of this application) located just to the north.

width: 4.75m

depth: 10.28m

maximum height: 4.05m

Summary of considerations and constraints

Permission was granted for a replacement outbuilding under 20/P/01850 with a

floor area of 45 sq m. The proposed outbuilding that has been constructed has a floor area of 49 sq m. This building replaced a single outbuilding with a floor area of 39 sq m. The floor area uplift for the replacement outbuilding under 20/P/01850 was 50%, and whilst it was considered at the upper limit of what would be considered acceptable, it was approved. The applicants did not build out this permission, and now seek retrospective permission for the outbuilding that has been constructed on site. The proposed floor area of the building on site is 49 sq m and is therefore greater than that which was granted permission under 20/P/01850 and represents a 63% increase over the building it replaced and as such represents inappropriate development within the Green Belt.

However, under 20/P/01850, a further outbuilding was demolished, but was fully considered under 20/P/01850 as the proposal was deemed to be not inappropriate development within the Green Belt and therefore it was not considered necessary to take this building into consideration in the planning balance. However, as the proposal being considered now is being assessed as a replacement building to that which was on site, it is considered appropriate to take into consideration the additional outbuilding lost under 20/P/01850. Taking into consideration the floor area of this building that has been demolished together with the garage that was replaced, the uplift in floor area proposed by this application is 21%.

It is therefore considered that taking into consideration the acceptable increase in floor area now proposed, the benefit to the Green Belt following the removal of this outbuilding, and the reduction in the height and eaves height of the proposed outbuilding, (when compared to approved scheme), that very special circumstances exist in this instance that would represent very special circumstances that clearly outweigh the identified harm to the Green Belt; as such in Green Belt terms, the proposal is considered acceptable.

Harm has been identified due to the retrospective nature of the proposal, however, only limited harm weight is attributed to this harm. In this instance, very special circumstances are considered to exist that would outweigh the identified harm to the Green Belt. No objection is raised with regard to the character of the area, the AONB, neighbouring amenity or on sustainability factors. As such, the proposed development is recommended for approval, subject to conditions.

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: J004438-DD-05 received 02/05/23 and J004438-DD-03, J004438-DD-02, J004438-DD-04, J004438-DD-01 received on 10th April 2023.

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

2. Within 3 months of the date of this decision, a scheme to enhance the nature conservation interest of the site together with a timetable to carry out the works shall be submitted to and agreed in writing by the local planning authority. The approved scheme shall be implemented in full in accordance with the approved timetable.

Reason: To increase the biodiversity of the site and mitigate any impact from the development.

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 however, the proposal was considered acceptable.

Officer's Report

Site description.

The site is located within the Green Belt, within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV). The site is located in a rural area comprising of open fields and detached dwellings lining the road. The site itself comprises a detached, two-storey dwelling with an outbuilding (the subject of this application) located just to the north.

Proposal.

Erection of an outbuilding (retrospective application).

Relevant planning history.

| Reference: | Description: | Decision Summary: | Appeal: |
|-------------------|--|--------------------------|----------------|
| 22/P/0189 8 | Change of Use from agricultural land to equestrian use including the erection of a stable building and sand school. | Pending | N/A |
| 22/P/0140 5 | Erection of an agricultural barn for the storage of hay, logs and farm equipment. | Approve 25/10/2022 | N/A |
| 20/P/0185 0 | Demolition of 2 No. ancillary outbuildings and replacement with a new single outbuilding for purposes ancillary to the enjoyment of the host residential property. | Approve 22/12/2020 | N/A |

Consultations.

Surrey Hills Area of Outstanding Natural Beauty Officer:

Being within the residential curtilage of the property it cannot be reasonably substantiated that it is harmful to the Surrey hills AONB.

Third party comments:

14 letters of objection have been received raising the following concerns:

- retrospective permission should not be given (officer note: legislation allows for permission for development to be sought retrospectively)
- the building dominates views
- the building is materially larger and represents inappropriate development within the Green Belt
- the building is not similar to that approved and is bulky and overly dominant
- the building is larger than one already approved
- granting permission will set a precedent (officer note: each application needs to be assessed on its own merits)
- the building does not have the appearance of a garage (officer note: the description of works relates to an outbuilding)
- the building is not located on the site of the garage that was replaced
- adverse impact on the AONB and AGLV

Planning policies.

National Planning Policy Framework (NPPF):

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Chapter 12: Achieving well-designed places

Chapter 13: Protecting Green Belt land

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Chapter 15: Conserving and enhancing the natural environment

The Guildford Borough Council Local Plan: Strategy and Sites 2015 - 2034

S1 Presumption in favour of sustainable development

P1 Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value

P2 Green Belt

Guildford Borough Local Plan: Development Management Policies 2023

Guildford's Local Plan Development Management Policies (LPDMP) was adopted by the Council on 22 March 2023. This now forms part of the statutory development plan and the policies are given full weight.

Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness

Policy D5: Protection of Amenity and Provision of Amenity Space

Policy D14: Sustainable and Low Impact Development

Policy D15: Climate Change Adaptation

Supplementary planning documents:

Residential Extensions and Alterations 2018

Climate Change, Sustainable Design, Construction and Energy 2020

Planning considerations.

The main planning considerations in this case are:

- The principle of development
- Very special circumstances
- Impact on character
- Impact on AONB and AGLV
- Impact on neighbouring amenity
- Sustainability
- Ecology
- Retrospective application

Principle of development

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 145. The replacement of an existing building for another building in the same use is identified as one such purpose, provided that the building is not materially larger than that it replaces. The test of whether a replacement building is materially larger 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. Where more than one building exists on site i.e. domestic outbuildings, the starting point should be to NOT include outbuildings in the materially larger assessment. Whether other buildings on the site would be removed as part of the application can be a material consideration but this should come after the materially larger assessment, essentially whether there is an overall reduction in built form or improvement to the character of the site that could contribute to very special circumstances in the balancing exercise.

Policy P2 of the adopted Local Plan confirms that Green Belt policy will be applied in line with the NPPF and for replacement buildings further confirms that replacement buildings should overlap with the existing structure, unless it can be clearly demonstrated that the replacement building would not harm the openness of the Green Belt.

20/P/01850 approved the erection of a single outbuilding (45 sq m) following the demolition of two ancillary outbuildings. The applicant has confirmed that the building which is now on site has not been constructed in accordance with the approved plans and actually represents a small reduction in floor area at 39 sq m, however, this measurement provided by the applicant is an internal measurement and not an external measurement. The current proposal in fact seeks permission for a building with an external floor area of 49 sq m, and therefore represents an increase in floor area of 4 sq m over that which was approved in 2000. The proposed building which is currently on site therefore proposes an increase in floor area of 63% in comparison to the building it replaced. The Officer's report assessing the 2020 application considered the 50% uplift proposed as being on the higher side; this application proposes a further 13% increase.

However, the 2020 planning permission also proposed the demolition of a further building, and that it represented a material planning consideration; however, no further reference was made to the demolition of the outbuilding, as whilst the proposal was considered to be at the upper limits in terms of the uplift in floor area

permitted, it was considered acceptable.

Whilst the proposed building would have a greater floor area than the one it replaced, it is noted that the proposed building has a maximum height of 4.05m compared to that of the approved 2020 building at 4.3m and an eaves height of 1.91m compared to the approved building at 2.1m, and as such in terms of its overall height, the proposed building is not materially larger building than the one it replaced.

As the proposal would result in a 63% increase in comparison to the building it replaced, the proposal represents inappropriate development within the Green Belt, which by definition is harmful. Very special circumstances would therefore need to exist that clearly outweigh this harm to enable the proposed development to be considered acceptable.

Very special circumstances

The 2000 permission did not include the demolition of the outbuilding which had a floor area of 10.36 sq m which was located towards the south-eastern corner of the application site. The demolition of the outbuilding has resulted in an improvement in terms of both the visual and spatial aspects of the Green Belt.

Taking into consideration the 2020 permission included the demolition of both the garage and outbuilding which was carried out in connection with a replacement garage which, it is considered appropriate in this instance to take into account the floor area of the outbuilding and the benefit to the Green Belt as a result of its demolition in the determination of this application.

The proposed outbuilding has a floor area of 49 sq m in comparison to the combined floor area of the demolished garage and outbuilding with a floor area of 40.36 sq m. The proposed development therefore represents an acceptable increase of 21% over the combined floor area of the replacement garage and outbuilding and has also resulted in an improvement to the openness of the Green Belt as well as reducing the spread of development across the site.

It is therefore considered that taking into consideration the acceptable increase in floor area proposed, the benefit to the Green Belt following the removal of the outbuilding, and the reduction in the height and eaves height of the proposal when compared to approved scheme, that very special circumstances exist in this instance that would represent very special circumstances that clearly outweigh the

identified harm to the Green Belt; as such in Green Belt terms, the proposal is considered acceptable.

Impact on character

The proposed building would differ from the approved scheme in that it would have a more simplified floor plan and have less visual interest with the omission of the garage door, canopied porch and the use of a hip to gable roof. The applicant suggests that this simplified design would provide a clearer visual indication that the building was ancillary to the host dwelling.

Whilst the alteration to the design of the building is regrettable, as it gave more visual interest and broke up the visual bulk of the building, no material harm to the character of the area has arisen from the design of the building as constructed. Its materials are also considered to be in keeping with its rural setting. It is noted that the building is located on the footprint of the former garage and as such continues to be set back from the host dwelling and due to its height and overall size is visually subservient to it. As such, it is not considered that the outbuilding which this application seeks to retain fails to respect the established rural character of the area and therefore no objection is raised in this regard.

Impact on AONB and AGLV

The site is located on an elevated position within the landscape with ground levels sloping down to the north. The building to be retained is therefore located in a fairly prominent position when viewed from the lane from the north. However, the building is viewed against the backdrop of its host dwelling when viewed from the north, and is sited on the footprint of the former garage building which was not in keeping with its rural setting.

It is also noted that the building is acceptable in terms of its design, is closely related to the host dwelling and is constructed of traditional materials (featheredge boarding, red brick and clay roof tiles) and therefore would not unduly draw the eye. Due to the surrounding tree lines on field boundaries, the building would not be a prominent feature from long distance views. The proposed retention of the outbuilding is therefore not considered to result in any material harm to the setting of the AONB or the distinctive character of the AGLV. The proposed development is therefore acceptable in this regard.

Impact on neighbouring amenity

The nearest neighbouring dwelling to the outbuilding proposed to be retained is Chase Cottage which is located to the south of the application site. Due to the intervening host dwelling, the separation distance and the use of the outbuilding, it is not considered that any adverse impact on the residents of this neighbouring dwelling has occurred.

Located to the north-west of the application site is Greenways. Due to the separation distance to this neighbouring property as well as presence of the intervening road and taking into consideration the ancillary use of this building, it is not considered that any adverse impact on neighbouring amenity has occurred. The proposal is therefore considered acceptable in this regard.

Sustainability

Policy D2 requires applications to set out how sustainable design and construction practice will be incorporated into development. The Council's SPD on Climate Change, Sustainable Design and Construction 2020 goes on to state that for non-major development, applications must include sustainability information proportionate to the size of the development and include adequate information to show that the energy and carbon requirements have been met.

A Sustainability checklist has been submitted as part of the application and confirms that:

- the building was constructed using sustainably sourced materials
- it was built minimising the wastage of materials on site
- the building materials were locally sourced
- the timber cladding used was also sustainably sourced
- the building has a low energy design which is also energy efficient
- the windows have been designed to ensure maximum natural light in the outbuilding
- there is no running water in the building

The submitted information is considered to be proportionate to the size of the development and includes adequate information with regard to the sustainability measures incorporated into the development. The proposal is therefore considered acceptable in this regard.

Ecology

Policy ID4 states that new development should aim to deliver gains in biodiversity where appropriate. No information has been submitted in support of this, however, a condition is recommended to ensure that a biodiversity net gain is achieved.

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 unauthorized 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 regularize unauthorized development, the local planning authority has given some weight to the fact that the application is retrospective. However, in the absence of 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 limited degree.

Conclusion.

Harm has been identified due to the retrospective nature of the proposal, however, only limited harm weight is attributed to this harm. In this instance, very special circumstances are considered to exist that would outweigh the identified harm to the Green Belt. No objection is raised with regard to the character of the area, the AONB, neighbouring amenity or on sustainability factors. As such, the proposed development is recommended for approval, subject to conditions.