

Planning Committee

4 January 2023

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. **Silver Key Developments Ltd**
Land to the rear of 168 The Street, West Horsley, Guildford, KT24 6HS
Appeal Withdrawn

2. **Ms Claudia Poulter**
Carnanton Mewes, Green Dene, East Horsley, Leatherhead, KT24 5RG
Appeal Withdrawn

3. **Mrs Tracy Hansford**
Ranmore, Forest Lane, East Horsley, KT24 5HU
Appeal Withdrawn

4. **Mr N Pritchard**
119 Portsmouth Road, Guildford, GU2 4EB
Appeal A
21/P/00930 – The development proposed is extension to a listed dwelling.
Delegated Decision – To Refuse
Decision – ALLOWED

Appeal B
21/P/00931 – The development proposed is extension to a listed dwelling.
Delegated Decision – To Refuse
Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issues for both appeals is the effect of the proposal upon the significance of the grade II listed building known as Braboeuf Cottage, 119 Portsmouth Road, and the character and appearance of the St Catherine's Conservation Area.
- Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- Braboeuf Cottage dates from circa 1850. It has the appearance of a lodge; with a neat and carefully considered design, and numerous architectural details that give it a strong character. These include dutch gables, a decorative chimney, and a square oriel bay at the rear that projects out diagonally to straddle the northeast corner of the building. The well-ordered form of the building and its numerous architectural embellishments are primary contributors to its special interest.
- The appeal building stands within St Catherine's Conservation Area (the CA). This focusses primarily on a length of Portsmouth Road, and the area around the appeal building represents the historic core of the CA, with numerous other historic buildings nearby. Although set back from the road, the dutch gable of the appeal building is a valuable part of the streetscene. The area also takes in open areas associated with St Catherine's Chapel and Braboeuf Manor. The area's historic core with its good mix of well-preserved buildings, and the open areas are principle components of the CA that contribute to its character and appearance.
- The appeal building has already been extended with a modest flat roofed two storey addition to its southern side. This provides a lower-level entrance and WC and a ground level shower room. The proposal would see the appearance of this structure improved significantly by cladding it in hung clay tiles, which feature on the original building, and making other improvements to its fenestration. It would also be raised modestly in height to enable a more traditional parapet detail to be formed. Overall, the appearance and detailing of this existing addition would be significantly improved.
- Behind this a further extension would be constructed at a low level. Although it would occupy a large area it would be arranged so that it would be visually distinct from the original building. It would not attempt to copy or mirror any of the fine details on the original building, but rather utilise a simpler palette of good quality materials to create something that would sit comfortably alongside the original building as a discreetly positioned separate entity.
- The Council suggests that it would not be a subservient extension; however, the design makes the best use of the site's topography to the extent that the addition would largely be below ground level. It would be set back from the north elevation of the existing building, which would ensure that it would not be easily viewed on the journey from the road to the building's front entrance. From within the curtilage the ability to view the main building and extension together would be limited to the small area of garden to the north of the dwelling. From here it would sit low in the plot with what would appear to be a detached form, and the original building would remain the dominant entity. Its discreet siting would be enhanced by the proposed green roof, particularly as there would be opportunity to look over the top of the extension.
- It would be possible to look towards the area of the extension from beyond the site to the north from Turnham Close. From this perspective also the extension would appear as a modest building that is seemingly detached from and much lower than the original building.

- The Council is concerned about the extent of proposed stone facing that may appear heavy and bulky. The area of stone would be fairly limited, owing to the large areas of glazing that would serve the proposal. In any case, the existing building has a solid appearance that is derived from its areas of solid masonry and small openings with stone mullions. In this context I am satisfied that the solid to void ratio proposed would not appear out of place.
- At the northwest corner of the extension the masonry would extend up beyond the parapet. Although this would raise the height of the extension, the additional height would be modest and still very low alongside the existing building. Furthermore, this small protrusion would echo the stack on the corresponding corner at the centre of the diagonal oriel bay, which would help the extension to assimilate with the existing building.
- I accept that additional section drawings would be helpful to enable a better understanding of some of the details of the proposal, including the edge of the proposed roof. However, the drawings are sufficiently detailed at their 1:100 scale to enable a clear understanding of what the extension would look like and how it would relate to the existing building. Proposed materials are clearly expressed for the extension. I am satisfied that securing additional section details, including details of the materials, by imposing conditions would be appropriate in the event that the appeals are allowed.
- The proposed extension would be close to the listed terrace at the rear, known as The Valley. It would have no impact on the front of the terrace, which is where the primary significance of the building lies. It would be visible from within the terrace when looking out to the rear. However, there is nothing before me to suggest that views in this direction are important or contribute to the significance of the building. Furthermore, views from this perspective would be over the low green roof, where the extension would not be prominent or obtrusive.
- In terms of the CA, the proposal would have no impact on the important view of the building's front gable from the road. There would be incidental views of the extension from Turnham Close, but as I have already established the extension would appear as a modest addition. The existing building would remain the dominant entity, and as such I am satisfied that the proposal would preserve the character and appearance of the CA.
- In summary, the proposal would not harm the significance of the listed building or the character and appearance of the CA. It would thus accord with the requirements of the LBCA and paragraph 199 of the Framework, which establishes that great weight should be given to the conservation of historic assets. It would also accord with Policy D3 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (the LP), which seeks to ensure that the historic environment is conserved and enhanced.
- For the reasons given above both appeals should be allowed.

5. Mr Dylan Kerai

Urn Field, Downside Road, Guildford, GU4 8PH

20/P/00825 – The development proposed is the creation of a floodlit artificial hockey pitch with a 6-lane all weather running track, a football pitch, relocation of cricket nets, extension to sports pavilion balcony and new javelin, discus, shot put and long jump area alongside the creation of a new store building and additional on-site car parking.

Officers Recommendation – To Approve

Planning Committee Meeting: 1 December 2021 - Refused

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issues are the effect of the proposed development on the Surrey Hills Area of Outstanding Natural Beauty (AONB) and on the provision of education and community facilities.
- The appeal site is within the AONB. The special qualities of the AONB include its hills and valleys, traditional mixed farming, patchwork of chalk grassland and heathland, sunken lanes, picturesque villages and market towns. Dark skies also make an important contribution to the landscape.
- The National Planning Policy Framework (2021) (the Framework) requires that I give great weight to conserving and enhancing landscape and scenic beauty in this area and it has the highest status of protection in relation to these issues. These requirements are broadly echoed by Policy P1 of the Guildford Borough Local Plan: strategy and sites 2015-2034 (2019) (Local Plan) and Policy P1 of the Surrey Hills Management Plan (2020-2025) (SHMP). Policy P2 of the SHMP requires that in remoter locations, with darker skies, development proposals causing light pollution will be resisted, amongst other things. Policy P1 of the Local Plan also requires assessment against this SHMP.
- The appeal site is in use as a sports facility for Tormead School, Guildford County School and the wider community. It includes a grass track, football pitch, rugby pitch and cricket pitch, and area for shot put which is bounded by poles, a pavilion building and hardstanding currently in use as overflow parking. It is outside but close to the boundary between the urban area of Guildford and the countryside beyond and is mainly open, grassed land. This semi-natural grassland appearance makes a positive contribution to the landscape and scenic beauty of the AONB.
- The site is at the end of Downside Road and Little Warren Close. These are residential roads with domestic and street lighting. There is also lighting on site with the car park and part of the grounds illuminated by lighting on the pavilion. The wider countryside is generally unlit, although in the other direction the lighting of Guildford forms a well-lit background. Due to its existing lighting and position close to the urban edge of Guildford the site is not a more remote location with darker skies. As such the contribution that this site makes to the experience of dark skies within the AONB is modest.
- The proposed development would include hard surfacing of the running track and hockey pitch, some changes to land levels as well as the introduction of 8 retractable floodlights, amongst other things. Due to the scale of the development and the context and use of the existing land, the development is not major development within the AONB for the purposes of the Framework.
- The floodlights are intended to illuminate the hockey pitch and are designed, orientated and angled to direct light towards this area. They would be fitted with light spill louvres to point light in the downwards direction. I am not provided with evidence as to whether the lighting would meet the standards for natural surroundings recommended for AONBs as set out in the ILP1 Guidance Notes for the reduction of obtrusive light. However, the Landscape and Visual Appraisal demonstrates that from the three important viewpoints shown, the proposed louvres, angle of lighting, topography and surrounding vegetation would mean that any 'glow' from the lighting would be limited. I have no substantive evidence that persuades me that the methodology used is not sound. In wider perspectives from

and towards the AONB the illuminated pitch and any glow associated with this, generally, would not be visible.

- Nevertheless, when in use, the structures of the floodlights would be visible, particularly in views from Merrow Downs, within the AONB. The introduction of manmade structures, at a substantial height, which include light sources that would make them appear prominent would be harmful to the natural qualities and scenic beauty of the Merrow Downs area of the AONB.
- The lights are retractable and therefore would only be visible when in use. The hours of use are limited to 7.30am-8pm, Monday- Saturday and for 5 months of the year only, during the winter. Furthermore, the lighting would only be required to be used in hours of darkness when use of the countryside areas within the AONB are less likely. As such their visibility would be highly time limited. Therefore, the duration of the harmful effects identified above would be minimal.
- Taking all the above into account the proposed development would be harmful to the landscape and scenic beauty of the AONB. However, this harm would be to a small area for a restricted amount of time. Therefore, the extent of the harm would be limited.
- Nevertheless, in this respect, it would be contrary to Policy P1 of the Local Plan, paragraph 176 of the Framework and the advice in the SHMP, the aims of which are set out above.
- The Framework requires that I give great weight to the need to create, expand or alter schools. This approach is also supported by the Policy Statement - Planning for Schools Development (August 2011) and Policy CF4 of the Guildford Borough Local Plan 2003 (Saved Local Plan) which is supportive of the expansion of schools provided they meet certain criteria including their effect on the character and appearance of the surrounding area. Furthermore, the Framework seeks to plan positively for the provision of community facilities including sports venues and Policy R6 of the Saved Local Plan supports the increased use of recreational facilities through the introduction of floodlights where the visual impact is acceptable.
- The proposed development would provide sports facilities for pupils at Tormead school (an independent girl's day school), Guildford County school (a mixed comprehensive secondary school) and for community use. Involvement in sport has significant physical benefits such as helping to tackle obesity. As well as important mental health benefits such as improving behaviour, building characteristics such as resilience and values including fair play, tackling loneliness, improving self-esteem and has links with lower levels of anxiety and depression. The benefits of sport, in particular for young people, are supported by The Department for Education's 'School Sport Activity Plan' (July 2019), and Sport England's Guidance 'Planning for Sport'. It is also recognised in the Framework which seeks to enable and support healthy lifestyles.
- The schools do not have access to their own hockey pitch suitable for matches. Currently they use other facilities in the surrounding area including existing pitches at Surrey Sports Park and Guildford Spectrum which have been brought to my attention. There is dispute about the availability of these pitches, although one pitch is being resurfaced as a football pitch and is therefore no longer available. Notwithstanding this, the use of other pitches has implications such as safeguarding, cost and the time taken to travel to them, and expense associated with this. Even if

they were available this is a sub-optimal arrangement as their use is less convenient than having facilities that are managed by the schools.

- The schools have access to existing facilities for tennis and netball. At Guildford County there is an U11 sized grass football pitch and a Multi-Use Games Area (MUGA) which is not full pitch sized. In addition, Tormead has planning permission for additional facilities including a MUGA, 50m running track and shot-put area. Whilst it has been made clear to me that there is no intention to implement this permission, I am not presented with any mechanism to secure that this would not take place. Nevertheless, this would not provide a full-size hockey pitch which is therefore a significant difference between that scheme and the appeal proposal.
- It is likely that the current arrangement to hire facilities elsewhere could continue, along with use of the existing facilities. However, the problems with this arrangement are set out above. Therefore, the schools have identified a need to expand through the provision of the proposed works. The proposed development would therefore be an improvement to the existing situation and would enable more pupils to play a wider variety of sport, for longer. It would be particularly beneficial in expanding the provision for hockey.
- The site would also be available for community use, and a condition has been recommended to secure the details of this arrangement. Guildford Hockey Club have outlined benefits of a pitch in this location including increased capacity which would assist with high demand and a busy youth section and reduced travel distances for their members.
- As such the proposed development would have a positive benefit to educational and community facilities. Given the number of people who would use this site along with the existence of other, albeit less suitable, facilities, the benefits in enabling greater participation in hockey would be significant but less so in respect of other sports. However, because of the harm to the character and appearance of the area identified above, the proposed development does not accord with Policies CF4 and R6 of the Saved Local Plan. Nevertheless, it would be in accordance with paragraph 95 a) and 93 a) of the Framework, the aims of which are set out above.
- The site is within the Green Belt where the construction of new buildings is inappropriate. Paragraph 149 b) of the Framework provides an exception to this for the provision of appropriate facilities for outdoor sport; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- As set out elsewhere in this report, the development would improve facilities on an existing sports ground, and these are appropriate facilities for outdoor sport. The scale of the physical structures would be minimal and, taking into account the existing buildings that would be removed and the use of the land, consequently this would preserve the visual and spatial openness of the Green Belt. For the same reasons the development would not conflict with any of the purposes of the Green Belt. As such the proposal would not be inappropriate development in the Green Belt.
- I have been presented with detailed evidence in the form of a Preliminary Ecological Assessment and subsequent bat and badger surveys. These provide a suitable level of detail on which to assess whether there is a reasonable likelihood that species are present. The site has a low potential to support notable invertebrates, moderate

potential to support dormouse and foraging and commuting bats but low potential for roosting bats, and high potential to support badgers and breeding birds. The woodland edge is identified as important as a foraging resource and commuting route for bats.

- With respect to bats a condition requiring a Sensitive Lighting Management Plan is recommended which would secure low levels of lighting close to woodland edges, amongst other things. This should seek to achieve the light levels of 1 lux or below at the woodland edge and other foraging commuting corridors across the site as requested by Surrey Wildlife Trust. Nevertheless, the light levels to the woodland are very low and, whilst there is a discrepancy between the type of luminaire recommended in the Bat Survey and that proposed in the External Lighting Report, the other recommendations can be followed. I am therefore satisfied that there would not be an unacceptable effect on bats as a result of these proposals. The proposed development also includes the removal of an area of woodland. This has the potential to disturb dormice, therefore measures to protect this species should be secured by condition. Works should also take place outside of nesting bird season and again this would be secured by condition. A condition is also required to ensure the mitigation measures to protect badgers are implemented. Subject to these conditions the proposed development would not have a harmful effect on these species.
- Policy ID4 of the Local Plan also requires that development should result in gains to biodiversity. Wildlife friendly planting, bird and bat boxes and invertebrate features have been proposed and I am satisfied that this detail could be provided in a Landscape and Ecology Management Plan which would be secured via condition. However, as the detail is yet to be secured the extent of any benefit in this regard is unknown.
- The cricket nets would be relocated close to residential properties at the end of Downside Road and Little Warren Close. However, the site is currently used as a sports field and therefore similar noise close to these properties already exists. Consequently, cricket nets in this location would be unlikely to unacceptably increase the noise disturbance to nearby properties.
- There may be increased noise and disturbance during construction, however these impacts would be temporary. Furthermore, a Construction Transport Management Plan would be secured via condition, and this would minimise inconvenience on the roads.
- The proposed development would increase the amount of parking available on site. This is likely to be adequate for the requirements. In any case I am satisfied that any limited overspill parking that did occur could be accommodated on the nearby roads without harm to highway safety or the operation of the highway network. There would also be minor benefits associated with the provision of cycle parking.
- My attention is drawn to an appeal decision at Land between Smugglers Way and Merlins2. This relates to a single dwelling and therefore is notably different to the appeal before me now. Nevertheless, similar to that Inspector, I have fully considered the position in relation to an extant permission, in this case at Tormead School.
- Due to the harm to the character and appearance of the area as set out above, the proposed development would not comply with the development plan as a whole.

Whilst the extent of the harm is limited, nevertheless I give great weight to conserving and enhancing landscape and scenic beauty in this area.

- On the other hand, the appeal scheme would provide benefits in terms of providing a community facility and widening choice in education. The proposed new facilities would provide important physical and mental health benefits especially for young people and girls which would align with the aims of the Framework to enable and support healthy lifestyles. I give great weight to the need to expand or alter schools. There are also other minor benefits with regard to the promotion of sustainable modes of transport through the provision of cycle parking, and benefits to biodiversity through the LEMP although, as the detail is yet to be secured, this benefit is limited at this stage.
- I have taken into account the important benefits to the schools' pupils and the wider community, as well as the limited harm to the AONB, and the weight that must be attached to each. In this case therefore I find that these considerations indicate that the benefits of the development outweigh the harm, and therefore that the appeal should be allowed.
- I conclude that the appeal should be allowed.
- **COSTS - dismissed**
- Mr Dylan Kerai against Guildford Borough Council
- The Government's Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
- The substantive points in the appellants case include that the Council has failed to produce evidence to substantiate the reason for refusal at appeal, has made vague generalised or inaccurate assertions about a proposals impact which are unsupported by an objective analysis and that it has prevented or delayed development which should clearly be permitted.
- The reason for refusal is, by its nature, brief, and refers only to the harm. However, the Officer's report clearly refers to the benefits of the proposed development, therefore I am satisfied that these were before Members when they made their decision. Furthermore, this forms part of the Council's evidence for the appeal and therefore I am satisfied that the benefits have been fully explored. The Officer's report also provides a full explanation as to the effects on the AONB and reasons for a conclusion of harm in this regard.
- The Council has provided a detailed appeal statement. This was not produced by a landscape specialist nor a lighting consultant. Nevertheless, it provides a sufficiently thorough analysis as to the Council's view on the harm that would occur and suitably substantiates the reason for refusal at appeal.
- The Officer's report and evidence is clear that this was a decision made on balance and I am satisfied that it has considered the development plan as a whole. It acknowledges where the Framework requires particular weight to be afforded to certain issues and clearly reports the views of consultees including the Council's Landscape consultant, AONB Officer and members of the public. These views are not consistent.
- Whilst Committee members came to an opposing conclusion to the Officer's report, it is not unreasonable to come to a different planning judgement in these

circumstances. Taking into account the balanced decision required, the proposal is not development which should clearly be permitted.

- Consequently, for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated.
- For this reason, neither a full nor partial award of costs is justified.

6. Taylor Wimpey UK Ltd

Former Wisley Airfield, Hatch Lane, Ockham, GU23 6NU

20/P/01708 – The development proposed is a detailed application for roundabout and stub road.

Officer Recommendation: To Approve

Planning Committee Meeting 1 December 2021 - Refused

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issues are the effect of the development upon the character and appearance of the surrounding area;
- the effects of the development upon the living conditions of the occupiers of neighbouring properties, with particular reference to noise; and
- the effects of the development upon biodiversity.
- The appeal site consists of a disused airfield surrounded by extensive amounts of mature landscaping. The former airfield site includes large areas of hard standing and disused runways, particularly due to their length. However, other areas in the vicinity of the former airfield site are overgrown. The wider area includes several roads and dwellings. Therefore, the appeal site and the surrounding area is predominantly rural in character, interspersed with built developments.
- The appeal proposal includes the provision of an additional road junction incorporating a roundabout, as well as the provision of a new access road. It is noted that this would not lead to an existing or proposed development or use. However, the appellant has indicated that an application for planning permission to redevelop the former airfield site will be submitted in time.
- In addition, the proposed development would have a limited height when viewed from the surrounding area there are a significant number of trees nearby, which would also obscure views of the proposal throughout the year. Although these trees fall outside of the appeal site, they are sufficiently great in number that the screening effect would not be diminished even if some were to be removed.
- The discrete presence of the proposal would also be aided by the topography of the appeal site and the surrounding area. Thus, the extent of tree coverage, the topography and low profile of the development means it would not be a harmfully prominent addition to the vicinity.
- The proposal would result in the removal of a short line of mature trees. These would not provide any of the previously described screening. These trees have a noticeable height and the evidence before me indicates that the life of these trees has not been foreshortened by any external factors. However, given these trees by reason of their position do not make a significant contribution to the overall character of the surrounding area, their removal would not lead to an erosion of the area's character.

- Given this position, the proposed development would not amount to harm as by different mechanisms the same effect could be achieved. Furthermore, some biodiversity improvements would result in replacement planting. Whilst this may take some time to become established, it would mean that for a substantial period of the development's life, there would be some planting nearby. This could be secured via a planning condition.
- The proposed development would result in an increase in the level of built form in the vicinity of the appeal site. However, the surroundings are of a developed nature. This, as mentioned, includes various and extensive areas of hard standing related to the airfield's former use. Therefore, within this context, the creation of further areas of hardstanding in the form of an access road at the extent proposed would not appear incongruous.
- I therefore conclude that the proposed development would not have an adverse effect upon the character and appearance of the surrounding area. The proposed development, in this regard, would comply with the requirements of Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (2019) (the Local Plan Strategy); and Policy LNPWN1B of the Lovelace Neighbourhood Plan (2021). Amongst other matters, these seek to ensure that developments should respond to the distinctive local character; and be designed to respect the existing landscape character
- The appeal site is currently in a disused condition. However, relatively close to the appeal site are several dwellings. These are arranged in an ad hoc pattern close to the appeal site's boundaries.
- By reason of this proximity, it is likely that any construction works would be audible within the surrounding properties, including their gardens. This is likely to include activities such as the installation of ground works, in addition to the operation of plant and machinery.
- However, any such noise is likely to be limited to the time periods in which construction works are taking place. In result, it is apparent that any such noise would likely take place for a temporary period of time. Therefore, the construction works would not result in permanent harm to the overall living conditions of neighbouring occupiers.
- The proposed construction process is likely to be facilitated by the movement of several larger vehicles. However, any such activity would be against the backdrop of other activities in the surrounding area. Primarily, this includes the nearby, and busy, A3 road. In result, the proposed development process would not be unduly prominent. This would mean that the movement of vehicles associated with the construction process would not erode the living conditions of the occupiers of neighbouring properties.
- Notwithstanding this, the proposed construction works has the potential to affect living conditions during the temporary period in which building works take place. However, this could be mitigated to an acceptable level through the imposition of a condition requiring the submission of a construction environment management plan.
- Amongst other matters, such a plan would include details regarding the time scales in which construction works could take place and also prevent work from taking place on days and at times when residents might reasonably expect a greater amount of peace and quiet. This would likely include Sundays and evenings.
- Such a condition would be enforceable by the Council if needs require. This therefore provides certainty that the development would not cause harm to the living conditions of the neighbouring occupiers.
- In result, although construction works would be audible, it would not result in a harmful erosion of the living conditions for the occupiers of nearby dwellings. The development, in this regard, would comply with Policy G1(3) of the Guildford Borough Local Plan (2003). Amongst other matters, this seeks to ensure that the amenities enjoyed by occupants of buildings are protected from unneighbourly development.

- The proposed development would result in an overall increase in the level of built form owing to the replacement of green areas with hard standing. However, the evidence before me indicates that the position of the proposed development would replace ruderal scrub as established in the submitted appeal documentation, and disused hard standing.
- However, it is likely that, on the basis of the appeal documentation, the scrubland and hard standing would not by reason of their type, provide a valuable habitat for protected species to live or use. This is the case even though the wider area supports several items of wildlife. Therefore, the proposed development would not result in an adverse effect upon the foraging environment for wildlife.
- Furthermore, I can impose a condition that would require the provision of biodiversity enhancements within the area controlled by the appellant. This has been demonstrated to be an appropriate course of action by the assessments submitted by the appellant. This would ensure that new items would be provided, and a mechanism would be in place to allow the Council to approve details regarding the health and species of any new landscaping. In addition, other conditions could ensure the provision of matters such as tree protection measures.
- In addition, any imposed condition would also have a maintenance element. This would mean that the provision of this new landscaping could be secured for a notable period of time. Given that any planting could be tailored in order to provide a habitat or foraging environment for species, the development taken as a whole would not result in an adverse effect upon biodiversity.
- I understand that the current condition of the appeal site in biodiversity terms has, in part, been created due to its management regime. The imposition of a condition requiring the agreement of biodiversity improvements would also allow for the securing of enforceable improved management arrangements.
- My attention has been drawn to a Development Consent Order (a DCO), which includes a significant proportion of the appeal site. On my site visit, I was able to view that works to implement the DCO had commenced. I have no reason to believe that the works permitted by the DCO will not be implemented in their entirety. In result, I must give this potential outcome a significant amount of weight in my considerations.
- Therefore, in the event of this appeal being unsuccessful, there is a notable likelihood that a large proportion of the appeal site would be redeveloped. Although the appeal proposal exceeds the site area covered by the DCO, the degree of difference is of a relatively small amount. Therefore, the proposed development would not result in a significant increase in the loss of the natural environment.
- However, even if the DCO works do not proceed to completion, the securing of mitigation through conditions would prevent any adverse effect on biodiversity from occurring.
- The appeal site is also outside of the Ockham and Wisley Commons Site of Special Scientific Interest, which is a component site within the wider Thames Basin Heaths Special Protection Area (the SPA) network of protected heathland sites. The sites are important features at international and national levels. However, given the nature, and scale of the proposed development, the appeal scheme would not cause harm to these features.
- The evidence before me in the form of surveys submitted by the appellants, as well as representations received by the Council as the planning application stage also indicates that the proposed development would not have an adverse effect upon the SPA, owing to the nature of the development and its location. I have no reason to disagree, particularly as the development would not result in a greater amount of usage or activity within the SPA.
- I therefore conclude that the proposed development would not have an adverse effect on biodiversity and ecology. The development, in this regard, would comply with the requirements of Policy ID4 of the Local Plan Strategy. Amongst other matters, this seeks to

ensure that biodiversity is maintained, conserved or enhanced; and new development should aim to deliver gains in biodiversity, where appropriate.

- It has been suggested that the appeal scheme is premature in its proposal. However, given that I have not identified any harm arising from the construction process, the timing of the development does not outweigh my findings in respect of the main issues.
- Concerns have been raised that, at the point where the proposed road comes into use, amendments might need to be made to its design and layout. Whilst this may be the case, I have found that the proposed development would not lead to an adverse effect upon the character and appearance of the surrounding area, biodiversity and the living conditions of the occupiers of neighbouring dwellings.
- Therefore, in the absence of any notable adverse effects, these concerns do not outweigh my findings in respect of the main issues.
- For the preceding reasons, I conclude that the appeal should be allowed and planning permission granted.

7. Mrs A Larter

High Brambles, Park Corner Drive, East Horsley, KT24

21/P/01683 – The application sought planning permission for erection of a cottage (amended plans received 14 December 2020) without complying with a condition attached to planning permission 20/P/01954 dated 6 Jan 2021. The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: HB5 P1, HB5 P3 and HB4 P1 received on 17 November 2020 and amended plans HB5 P2A and HB5 P3A received 14 December 2020. The reason given for the condition is: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

Officer Recommendation: To Approve
Planning Committee Meeting 12 Jan 22 – Refused
Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issues are the effect of the proposed rear extension on: the character and appearance of the area; and
- the living conditions of the occupants of Two Steps, with particular regard to outlook from and light into the rear garden.
- Park Corner Drive is a narrow, no-through road, with grass verges either side but no formal footway. It consists of predominately large, detached, two-storey houses set back relatively far from the highway on generous plots, which provides a sense of spaciousness. Although the houses vary in their style, and form, they are set back a similar distance from the highway, which adds a degree of uniformity to the street-scene. The front gardens are mainly laid to lawn with soft front boundary treatments including trees, hedges, and shrubs. Woodland to the north and west also provides an arboreal backdrop. There are both rises and falls in the land which the road follows and are reflected in the ground level of the houses. Overall, the road has an open and verdant character.
- The permitted dwelling, known as High Brambles, is a two-storey detached house of a comparable scale to other properties on Park Corner Drive set on a large plot. The rear of the dwelling is not visible from the road, and neither would be the proposed rear extension. While the existing pattern of development includes deep plots, the extent of the plots cannot be read from the street scene. Notwithstanding this, while the scale of the proposed

rear extension would not be insignificant, it would be reasonably proportioned and, given the substantial size of the plot, would be comfortably accommodated with little effect on the existing pattern of development.

- It may be that the house with the proposed extension would have a larger GIA than proposals that were previously refused by Guildford Borough Council and dismissed at appeal for reasons including a bulky and dominant appearance. While I do not have the full details of the previous refusals in front of me, I understand that they related to proposals that were materially different from that now permitted, albeit by varying degrees. High Brambles benefits from the original permission and was therefore found to be acceptable in terms of its character and appearance by the Council. The scale of the proposed rear extension would be proportionate to this permitted development and would result in a building of a similar scale to others on Park Corner Drive. More importantly, the massing of High Brambles, when viewed from the street scene, would not change, thus it would continue to be comparable and in keeping with other properties along the road.
- For these reasons, the proposed rear extension would not result in a building which is excessive in scale, nor would it be overbearing. Therefore, it would not harm the character and appearance of the prevailing area. It would accord with policy D1(4) of the Guildford Borough Local Plan: strategy and sites (2019) and policy EH-H7 (a) of the East Horsley Neighbourhood Plan. These seek to ensure that all new development reflects the local character of the area by, amongst other things, responding and reinforcing locally distinctive patterns of development and ensuring designs are in keeping with the established character of East Horsley and style of properties in the surrounding area.
- The proposed rear extension would project approximately 1.5 metres beyond the rear elevation of Juniper and 3 metres beyond the rear elevation of Two Steps. Extending beyond the rear elevation of a neighbouring property would not in itself categorically result in harm to the living conditions of the occupants of those properties.
- Given the slopes in the land, High Brambles is at a higher ground level than Two Steps. Although this would make the proposed rear extension more prominent, given its compatible scale and modest projection past the rear elevation of Two Steps, it would not be overly dominant or overbearing. Two Steps has a deep and wide rear garden with a verdant and pleasant outlook. The proposed rear extension would affect only a very small part of this outlook.
- The rear garden of Two Steps is south facing, and High Brambles is positioned directly to the west. The effect that the proposed rear extension would have on the light received by Two Steps and within its rear garden space would therefore be relatively minor. The proposed arrangement of development is not uncommon and the overall amount and impact of overshadowing throughout the year would be negligible.
- Furthermore, a similar arrangement could be developed using permitted development rights. On 29th June 2022 the Council approved a Certificate of Lawfulness for a proposed development similar to the proposed rear extension. Whether or not the Council's assessment associated with the Certificate of Lawfulness included the outbuilding at the rear of the garden, the Certificate has been approved by the Council. The flank walls of the development that could be delivered using permitted development rights would project the same distance as and only be slightly shorter in height than the rear extension proposed in the amended plans. Therefore, the effect on neighbouring properties would be comparable. It may be that these rights could not be exercised until the development is complete and occupied, however there is real prospect that permitted development rights could be exercised to deliver a similar development. This therefore carries significant weight in my determination.
- For these reasons, the proposed rear extension would not have an overbearing and overshadowing impact that would harm the living conditions of the occupants of Two Steps

with regard to the outlook from and light into the rear garden. It would accord with policy G1(3) of the Guildford Brough Local Plan (2003), which seeks to ensure that the amenities enjoyed by occupants of buildings are protected from unneighbourly development in terms of access to sunlight and daylight.

- The appeal site is within the 400 to 5km buffer zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The TBHSPA comprises an area of lowland heath and woodland and is designated because of the presence of breeding populations of three bird species. The Interim Avoidance Strategy for the TBHSPA only relates to proposals for new residential development, as, although some non-residential could have a significant effect on the TBHSPA, it is new residential units that are more likely to affect the natural habitats in the TBHSPA.
- Therefore, given that the proposal would not result in any additional residential units or separate households, I am satisfied that it would not be likely to have a significant effect on the integrity of the TBHSPA, and an appropriate assessment is not required.
- I have taken careful account of the representations of the residents of Park Corner Drive and those nearby. Their concerns include the effect of the rear extension on the privacy of occupants of neighbouring properties, as well as the living conditions of the occupants of the neighbouring property, Juniper, and also the potential for the extension to set a precedent that could result in a significant change to the character of Park Corner Drive.
- I appreciate that the extension of a recently permitted development has caused some concerns. I also recognise that it would cause some noise and disturbance, particularly during construction. However, construction would take place for a limited period. Based on the evidence before me and my observations, given the relationship between the property and its neighbours, the compatible scale of the extension, the prevailing character of the area and that the extension would not be visible from the street scene, I am not of the view that unacceptable effects would result in relation to the matters raised.
- Third parties have also raised concerns that the appellant has intentionally sought to manipulate and/or circumvent the planning system. However, there is no substantive evidence before me demonstrating this. While intentional unauthorised development can be a material consideration, whether or not there were previous breaches of the original permission, these have now been rectified. Also, based on the evidence before me, which shows there have been a number of previous applications for the site as well as a Certificate of Lawfulness, it would appear that the appellant has sought to regularise the development. This concern, therefore, affords very little weight in my determination of the appeal.
- The appeal is allowed.

8. Mr Hugh Dennis

Hayloft and Grooms Cottage, Mill Lane, Pirbright, GU24 0BN

Appeal A

21/P/01917 – The development proposed is internal alterations to Hayloft and Grooms Cottage, removal of internal partition to remove the flying freehold and reincorporate the two-storey part of Grooms Cottage back into Hayloft. Erection of a Single storey rear extension to Grooms cottage and internal alterations.

Delegated Decision – Non-Determination
Decision – DISMISSED

Appeal B

21/P/01918 - The works proposed are internal alterations to Hayloft and Grooms Cottage, removal of internal partition to remove the flying freehold and reincorporate the two-storey part of Grooms Cottage back into Hayloft. Erection of a Single storey rear extension to Grooms cottage and internal alterations.

Delegated Decision – Non-Determination
Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issue for both appeals is the effect of the proposal upon the significance of the grade II listed building known as The Hayloft and Former Stable Block to Pirbright Lodge.
- Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- The two storey building dates from the late 18th century. It has a fine and well composed front elevation, derived from its symmetrical arrangement and neatly constructed brick dressings. Alongside and attached to this stands a much simpler single storey building that has a more utilitarian appearance and a much more modest scale. The two buildings are covered by a single listing designation.
- The buildings face out onto a cobbled yard and towards the rear of Pirbright Lodge. Together with the Lodge they form a good group, and are illustrative of the function, order and hierarchy of a small country estate. These characteristics contribute to the building's special interest, as does the architectural form of its primary elevation and its simple and uncluttered roofscape.
- The building was converted into two dwellings in the 1970s. The two-storey stable building formed one dwelling and the single storey wing the other, apart from part of the first floor of the stable that provided the smaller dwelling with two bedrooms. The re-worked division of the two parts of the building would do away with the flying freehold arrangement and would create a straightforward vertical division of the building into two dwellings. I note that the Council has no objection to this part of the proposal, and I see no reason to disagree.
- Similarly, internal alterations relate to fabric that largely dates from the 1970s and is of no historic interest. I am therefore also satisfied that the internal changes would not harm the building's special interest.
- The proposal includes an extension that would abut the rear of the modest single storey part of the building, which is the dwelling known as Grooms Cottage. I accept that this would extend out a significant distance from the rear of this part of the building. However, owing to the relative levels, and the relationship it would hold alongside the re-aligned boundary, the extension would not appear overscaled.
- It would however have a prominent roof, which would be seen alongside the existing roof at the rear of Grooms Cottage on one side and would face towards the rear of Hayloft in the other direction. The roofscape of the appeal building is a significant component of its special interest. From areas of the rear gardens the rear of the appeal building can be seen in the context of the other buildings to the southeast. Three rooflights on each roof plane would draw the eye, particularly in the context of the existing roofs which are largely free of such interruptions. This arrangement would harm the special interest of the building, and in particular the simple appearance of its rear aspect, which is seen in the context of the wider building group.

- In terms of the National Planning Policy Framework (the Framework) the harm would be less than substantial. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
- I accept that the proposal is part of a wider scheme to rationalise the layout of the building to provide a more logical subdivision for the two dwellings. This could be considered a public benefit insofar as it would create a better layout for the two dwellings, which could be good for the long-term conservation of the building.
- I was not able to review the 1970s layout at the time of my visit as it had already been altered. I do note however that the flying freehold subdivision appears to have existed since the building was converted into two dwellings in the 1970s. Whilst some of the spaces appear a little awkward on plan, there is nothing before me to suggest that the layout was unworkable or that it prevented either building from being occupied. These factors lessen the weight I give to this public benefit.
- The proposal would cause harm to the special interest of the building. Paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset. The public benefit before me is limited. Furthermore, I am not satisfied that the rooflights within the roof of the extension are necessary to achieve this benefit. Accordingly, the public benefit is not sufficient to outweigh the level of harm identified.
- In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of the building. It would be contrary to Policies D1 and D3 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LP), which together seek to ensure that development proposals are designed to a high quality that responds to distinctive character and conserves and enhances the historic environment.
- Both appeals are therefore dismissed.

9. Mr Zoltan Horvath

20 Parsons Way, Tongham, GU10 1FB

21/P/01871 – The development is a new single storey garage and alterations to kerb and verge surrounding house.

Delegated Decision – To Refuse
Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issue is the effect of the development on the character and appearance of the area.
- Parsons Way is a relatively new residential development of two storey properties. No.20 is a detached 'L' shaped property located within the centre of the development fronting an area of open space. It occupies a corner plot with a double garage and driveway to the rear which is shared with No.21. This type of parking arrangement is replicated at various other properties, and throughout the development garages are set back and generally positioned between properties.
- The proposed garage would in fill the area between the property and the rear boundary wall, effectively aligning with the flank elevation of No.21 to the other side of the driveway. The gap, referenced by the appellant, between the proposed and existing garage (which is to be retained) would not be discernible from the front, resulting in a visually unbroken length of built form.
- Whilst the general design of the garage reflects the appearance of the host property it would have a greater depth and extend forward of the existing side elevation. Due to the forward

projection up to the edge of the road the garage would, in my view, have an undue prominence both in relation to the host property and in the street scene.

- I accept, given the location along a short cul-de-sac serving Nos.20 &21, that the proposed garage would not be overly visible from within the wider development. Nonetheless, in my opinion, the proposal would create a contrived juxtaposition between the two garages and have a cluttered appearance with the side elevation to No.20 dominated by parking. The existing verges are limited in size, but they provide a visual and physical buffer between the property and the road and are part of the planned layout, providing some soft landscaping within the relatively high-density development.
- It was evident from my site visit that the existing shared driveway does accommodate vehicles parked side by side, but that the space around them is restricted. The rear boundary wall to No.20 is in set from the garage wall impinging on the width of the parking area. The proposed garage would follow this alignment, further exacerbating the enclosure of the driveway which could continue to be used by the occupiers of No.20. Additionally, the proposed parallel parking space to be sited immediately adjacent to the property would be similarly constrained on one side.
- The proposed garage would provide additional parking provisions, although there is nothing before me to suggest that the existing garage, which is wider than the driveway and the same size as the neighbours, cannot be used. Whilst I understand that the existing parking layout may provide some practical issues for users, I do not find that the benefits of the proposal to the occupiers of No.20 outweigh the wider public harm to the character and appearance of the area.
- Overall, I therefore find that the proposal would be an incongruous form of development which would fail to create a visually attractive layout and would be out of keeping with the character of the area. The development would be contrary to policies D1 of the Guildford Borough Local Plan 2015 - 2034 and saved policies H8 and G5 of the Guildford Borough Local Plan 2003. Together these require that development is of a high-quality design and has no unacceptable effect on the character of the host dwelling, adjacent buildings, and immediate surroundings. In this regard it would also conflict with the guidance within the Council's Residential Extensions and Alterations SPD 2018 and the advice within the National Planning Framework which support good design.
- For the reasons set out and having regard to all other matters raised the appeal is dismissed.

10. Lorienwood Limited

Regal Court, Kings Road, Guildford, GU1 4JY

21/W/00017 – The development proposed is described as ‘proposed two storey pitched roofed extension above principal elevation to provide 16 additional flats.’

Delegated Decision – Non-Determination

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 my site visit and representations from the parties; I consider the main issues to be (i) whether the proposed development complies with the conditions, limitations or restrictions applicable to development permitted; and if the development is permitted, the effect of the proposal on (ii) the character and appearance of the host dwelling and (iii) the amenity of existing neighbouring occupiers.
- Paragraph A to Class A of Part 20 states that development consisting of the construction of up to two additional storeys of new dwellinghouses above the topmost storey of an existing

purpose-built detached block of flats will constitute permitted development subject to any of the limitations, conditions or restrictions specified in Part 20.

- This includes, among other things, paragraph A.1.(b) which states that development will not be permitted by Class A if above ground level the building is less than three storeys in height. As observed on my site visit the building is currently two storeys above ground level, such that it fails to accord with this paragraph.
- In addition, paragraph A.1.(e) lists requirements on the floor to ceiling height of any additional storey proposed, while paragraph A.1.(j) sets out the permitted engineering operations. However, no information on these dimensions of the proposal, or the nature of the works to be undertaken, have been provided. As such, I do not have the information to conclude that the proposal would comply with these conditions.
- Paragraph A.1.(n) states that development will not be permitted by Class A if it would extend beyond the curtilage of the existing building; be situated on land forward of a wall forming the principal elevation of the existing building; or be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building. Due to the limited information provided, it cannot be concluded with certainty that the proposal would accord with the requirements of this paragraph.
- As such, the proposal fails the condition at Paragraph A.1.(b), and I have insufficient information to conclude it would satisfy the other conditions at A1.(e), (j), and (n). I therefore conclude that the proposal does not benefit from permitted development rights under Schedule 2 Part 20, Class A.
- As I have found above, the proposed development is not permitted development. As such, there is no requirement or need to assess it in light of paragraph A.2 of Class A to Part 20 and therefore no requirement to make a determination on the above matters raised in this case. This approach is consistent paragraph B.(3)(a) of Class A to Part 20.
- The appeal should therefore be dismissed.

11. Mr Wayne Whitford

61 Kings Avenue, Tongham, Surrey, GU10 1AX

21/P/02366 – The development proposed is removal of existing wall and replace with wooden fence and brick piers.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issue is the effect of the development on the character and appearance of the area.
- The semi-detached property occupies a relatively large corner plot and is currently defined by an approximately 1.2m high boundary wall. The section of wall along Kings Avenue to the rear garden is also bound by a high hedge, whereas the section from the property's side entrance and along the frontage to Manor Road is more open and in parts the wall is missing and in need of repair.
- Along both roads there is a mixture of boundary treatments including walls, fences, and hedges. Nonetheless, the properties are set back, and the frontages are primarily defined by low to mid height boundary treatments which permit views of the properties and maintains a sense of space and openness.
- The properties to either side of the appeal site have different boundary treatments and the limited increase to the height of the proposed fence along Manor Road would in general be

reflective of the prevailing boundary treatments along that road. Notwithstanding this, the height of the proposed fence along Kings Avenue would be taller, at 1.8m to all but the first two panels, creating a substantial screen extending for a significant length.

- Opposite the site, No.66, which is also a corner plot but is sited closer to Manor Road, has a 1.8m high fence abutting Kings Avenue. This is however more limited in length enclosing the rear garden and along the side of the property it is set back behind a parking bay. In contrast, the appeal proposal would create a continuous length of high fencing and project forward of the building line to Manor Road. In my view, this would result in an incongruous and enclosing feature which would create an oppressive appearance to the entrance to Kings Avenue and would be intrusive in wider views along Manor Road.
- The appellant has drawn my attention to a range of properties with close boarded fencing within the locality and whilst I acknowledge that there is no uniformity to the boundary treatments, each case is to be considered on its own merits. As a corner plot at a road junction the appeal property has a more significant physical and visual presence in the surrounding area. In this case I find that the scale and extent of the fencing would be a prominent and visually intrusive feature which would be to the detriment of the character and appearance of the area.
- The proposal would thereby conflict with policy D1 of the Guildford Borough Local Plan 2015-2034 which seeks high quality design that responds to distinctive local character, and policies G5 and H8 of Guildford Borough Local Plan 2003 which together require development to respect the existing patterns of development and space, and that the scale, height, and materials reinforce the character of an area. The development would also be contrary to the general design advice of the National Planning Policy Framework and National Design Guidance.

12. Mrs Sophie Belcher

Lot 4, Westwood Lane, Wanborough, Guildford, GU3 2JR

21/P/02376 – The development proposed is provision of an underground electricity cable and external electricity cabinet.

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 (the Framework) and any relevant development plan policies;
- The effect on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of the area, including the Hog's Back Area of Great Landscape Value (the AGLV);
- iv) If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
- The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 137 states that the essential characteristics of Green Belts are their openness and their permanence. It goes on to state, at paragraph 147, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy P2 of the LPSS₁ shares the objectives of the Framework, and it lists development that would not be inappropriate in the Green Belt.

- Paragraphs 149 and 150 of the Framework list types of development which are not inappropriate in the Green Belt. For the purposes of the planning application, both main parties considered the proposal under the provisions of paragraph 150 which lists other forms of development that are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it.
- The proposed electricity cable would comprise an engineering operation. As it would be situated below the ground level it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. As such, the cable would not be inappropriate development in the Green Belt under paragraph 150b) of the Framework.
- The proposed cabinet, however, is not an engineering operation. As part of the appeal, the appellant suggests the cabinet should be considered under paragraph 149 of the Framework as an agricultural building, which is listed as an exception to inappropriate development. The Framework does not define 'building' but the term is defined in section 336 of the 1990 Act² as including any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building. Applying this definition would suggest that the proposed cabinet could comprise a building. I am also mindful of case law which identifies three primary factors as decisive of what constitutes a building³, being size, permanence, and physical attachment, and that none of these factors are necessarily decisive. Given the particular characteristics of the proposed cabinet, based on the evidence before me, I consider the cabinet to be a building.
- Despite this, the cabinet would contain cabling which would, in turn, extend a power supply to the site. Despite its onward use being to supply power for agricultural tools, this would not make the cabinet itself, an agricultural building. For this reason, and based on the evidence, I do not consider the cabinet to constitute an agricultural building for the purposes of paragraph 149a) of the Framework.
- Alternatively, the cabinet could be considered under paragraph 150e) of the Framework, as part of a material change in the use of land for the siting of a cabinet. However, the new built form of the cabinet would be located centrally within an area of open countryside which is free from development. By reason of its height and bulk, it would have a negative impact on both the spatial and visual qualities of the openness of the Green Belt. For this reason, it would not preserve the openness of the Green Belt and would not conform to the exception to inappropriate development at paragraph 150e).
- Consequently, the proposed cabinet would be inappropriate development in the Green Belt.
- The appeal site comprises predominately open grassland with hedgerows to the north which adjoin the southern side of Westwood Lane. Other than low level paraphernalia associated with the agricultural use of the land, the site is free from built forms and development. The openness of the wider area is characterised by the predominance of open fields with a cluster of buildings to the east.
- As set out above, the proposed cabinet would introduce a built form onto the site and would be centrally located on the otherwise open land, thereby negatively affecting the spatial and visual aspects of the Green Belt's openness. Due to the scale of the cabinet relative to the surrounding grassland, and the gradient of the land, it would be visible across the landscape, in particular from the track and raised ground to the south and in views from buildings to the east. Taken together, the harm to the openness of the Green Belt would be significant.
- For the reasons given, the proposal would conflict with Policy P2 of the LPPS which relates to inappropriate development in the Green Belt and the objectives of the Framework.
- The site lies within a designated AGLV to the north of the distinctive landscape feature of Hog's Back, which is a narrow chalk ridge, characterised by a steep rising slope to the south. The Guildford Landscape Character Assessment January 2007 (the Guildford LCA) defines the key positive landscape attributes as including panoramic views, an intact pattern of fields and

sparse settlement. The Wanborough Wooded Rolling Clayland to the north of the Ridge is identified by the Guildford LCA as having positive attributes including a peaceful rural character and views to the unsettled rural backdrop of the rising chalk ridge to the south. The Surrey Landscape Character Assessment: Guildford Borough 2015 (the Surrey LCA) identifies similar key characteristics.

- The appeal site is largely flat, and it forms part of a wider open area of predominantly grassland which extends along the northern edge of the Hog's Back Ridge. At the time of my visit the site comprised areas of unmown grassland to its southern end, and mown grass and young fruit trees to the north.
- The proposed cabinet would have a utilitarian appearance and it would be in stark contrast to the natural features of the appeal site and the wider landscape in which it would sit. At times of year when the grass is long, the cabinet would be screened, and it would not be visually prominent. However, for most of the time it seems reasonably likely that the grass would be shorter and consequently, the cabinet would be a visually prominent and alien feature in its verdant surroundings. Its green colour would be unlikely to reduce its visual prominence, particularly given the changing palette of colours across the grassland. Its harmful visual effect would be evident in close views including glimpses from the road, as well as from the properties to the west and views from the Ridge to the south due to its position in the centre of the appeal site.
- While there are some other visible features in the nearby landscape which support the use of the land, including water butts and the existing tap on the site, these are smaller features, or temporary. As such I do not find them comparable to the appeal scheme, where the effects on the landscape would be significant and long lasting.
- For the reasons given above, I conclude that the proposal would cause significant harm to the character and appearance of the area and the AGLV. It would conflict with Policies D1 and P1 of the LPSS insofar as they require that development responds to and reinforces locally distinctive patterns of development including landscape setting, and that it does not harm the distinctive character of the AGLV. The appeal scheme would also conflict with the objectives of the Guildford LCA and Surrey LCA.
- The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- I have found that the development proposed would cause harm through inappropriateness and would cause significant harm to the openness of the Green Belt. I am required to give substantial weight to this harm, in line with paragraph 148 of the Framework.
- The appellant states that electricity is required to enhance and manage the agricultural use of the land and that it would benefit the future of the business, as supported by paragraph 84 of the Framework. While this would be a benefit of the proposal, based on the evidence, I am not satisfied that the appeal scheme is the only solution to achieve this benefit, or that the viability of the business is reliant on it. As such I ascribe this moderate weight.
- The appellant refers to a fallback position whereby the appeal scheme would be installed under permitted development rights. I do not, however, have assurances before me that the proposal would adhere to the relevant criteria of the Town and Country Planning (General Permitted Development) Order, as amended (the GPDO), and the appellant admits this is dependent on the use of the land meeting the definitions of the GPDO in the future. Neither is it for me to establish whether the proposed works would be permitted development under this appeal. For the reasons given I afford this position minimal weight.

- While the proposal may assist in delivering biodiversity net gain, there is little substantive evidence before me to demonstrate the extent to which this would be achieved. As such I also afford this minimal weight.
- Overall, while there would be a benefit to the agricultural business and enhancement in terms of the management of the land, taken together, the weight of the other considerations in this instance would not be sufficient to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.
- Planning permission has previously been granted for the existing tap on the site. However, the tap is slim in profile and low level, and it has a substantially different impact on the landscape character. As such it does not alter my assessment of the appeal scheme or provide a justification for the proposal.
- The appeal site is within an area being considered for inclusion in the Area of Outstanding Natural Beauty (AONB). The Framework advises that great weight should be given to conserving landscape and scenic beauty in AONBs. However, the relevant policies in the Framework do not refer to candidate or potential AONBs. Therefore, this is not a matter that I have considered further.
- For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I therefore conclude that the appeal should be dismissed.
- **COSTS – REFUSED**
- Mrs Sophie Belcher against Guildford Borough Council
- Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
- The applicant states that the development should clearly have been permitted. However, the reasons for the refusal set out in the decision notice are complete, precise and specific to the application, and clearly set out where the conflicts with the development plan lay. These reasons are substantiated by the Council in its officer report.
- While the consideration of whether or not it is inappropriate in the Green Belt does not take into account the need for the development, the National Planning Policy Framework (the Framework) requires consideration of whether very special circumstances exist to justify inappropriate development. The Council has also drawn my attention to a local saved policy that requires evidence in relation to the need for agricultural buildings. Therefore, it was not unreasonable of the Council to consider the need for the proposal.
- In respect of the main issue relating to character and appearance, I find the Council's assessment and reason for refusal to have been adequate and informed by reference to relevant policies and local guidance, as evidenced in the officer report. Also, I do not find that the Council was inconsistent with its decision in relation to the water tap for the site, which is materially different to the appeal scheme in terms of its impacts. I therefore find that the Council did properly evaluate the merits of the scheme and it had reasonable concerns regarding the impact of the proposed development on the character of the area, which justified its decision. The appellant had to address those concerns in any event.
- As such, the appeal could not have been avoided. Therefore, the applicant did not incur unnecessary or wasted expense in making the appeal.
- For the reasons set out above I conclude that the Council did not exhibit unreasonable behaviour and that wasted or unnecessary expense has not been incurred by the applicant in the appeal process. The application for an award of costs is therefore refused.

13. Mr and Mrs Lubbock

Lawbrook, Lawbrook Lane, Gomshall, GU5 9QN

21/P/00537 – The development proposed is the demolition of the existing pool house and boiler room, erection of replacement pool house.

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 Framework and any relevant development plan policy;
- the effect of the proposal on the openness of the Green Belt;
- if the proposal is inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.
- The appeal site is located within the Green Belt. The existing pool house and boiler room are set within the large garden of Lawbrook which is set to the west of Lawbrook Lane within rolling countryside. The site is within the Surrey Hills Area of Outstanding Natural Beauty (AONB).
- The Framework¹ at paragraph 149 establishes that the construction of new buildings within the Green Belt should be regarded as inappropriate unless they are a type of building identified under a list of exceptions.
- One such exception relates to the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The Framework at paragraph 149 establishes that the construction of new buildings within the Green Belt should be regarded as inappropriate unless they are a type of building identified under a list of exceptions.
- Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (2019) (GBLP) states that the construction of new buildings in the Green Belt will constitute inappropriate development, unless the buildings fall within the list of exceptions identified by the Framework.
- It does however add, amongst other things, that a new building will only constitute a replacement if it is sited on or in a position that substantially overlaps that of the original building. Policy P2 of the GBLP therefore has a broad accord with the Framework in relation to this proposal.
- The replacement pool house would occupy a position that would substantially overlap that of the original building.
- I accept that the proposal would amount to a single building replacing both the existing pool and boiler house, which is within a separate shed like structure. However, the replacement pool house would be substantially wider, deeper and taller than the existing pool house. It would also have a substantially greater floor area than the existing pool and boiler houses combined.
- Therefore, whilst the replacement building would be in the same use, it would clearly be materially larger than the existing pool house and boiler room that it would replace. The proposal would therefore constitute inappropriate development within the Green Belt.
- A 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. The assessment of openness requires a consideration of both spatial and visual aspects.

- The introduction to the site of a building such as that indicated would introduce additional bulk through its built form. This would limit views through the site and to the surrounding countryside from some viewpoints within the garden. It would also be viewed as a more obvious, bulky and strident structure from any surrounding viewpoints on the elevated land that surrounds the site.
- These are aspects of the proposal which would harm the openness of the Green Belt in both spatial and visual terms. Given the reasonably secluded and set down location of the site and the likely limited public views towards it, the harm to openness would only be moderate at this location.
- Nonetheless, the Framework is clear that substantial weight should be given to any harm to the Green Belt. The proposal therefore conflicts with Policy P2 of the GBLP and the Framework.
- I accept that the building is in a deteriorating condition and that the replacement pool house would be placed within the confines of the existing terrace platform. I note the set down setting of the site within the landscape and that the proposal by reason of its design would not harm the character and appearance of the area. The proposal would conserve the landscape and scenic beauty of the AONB.
- I have been supplied with a planning decision relating to an approval for a heritage greenhouse at the site and an appeal decision (Ref: APP/M3645/D/19/3225214) relating to an extension at another site outside of the Local Authority area. However, both cases relate to different Framework exceptions and consequently the weight I can afford those matters in relation to this case is limited.
- The exceptions at paragraph 149 of the Framework amongst other things reference appropriate facilities for outdoor sport and recreation. However, even if the building were to form an appropriate facility, it would not preserve the openness off the Green Belt, therefore amounting to inappropriate development.
- I have found that the development is inappropriate development within the Green Belt and is harmful to Green Belt openness. It therefore should not be approved except in very special circumstances. I must attach substantial weight to the harm to the Green Belt and as such, the harm I have identified is clearly not outweighed by the other considerations. Consequently, the very special circumstances necessary to justify the development do not exist.
- For the reasons set out above, and having regard to all other matters, the appeal should be dismissed.

14. Mr Joseph Gianfrancesco

Yew Hatch, Woodhouse Lane, Holmbury St Mary, RH5 6NN

21/P/02132 – The development proposed is Single Storey Oak Framed Orangery extension to rear of existing garage and installation of two new dormer windows to existing garage roof.

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 Framework¹ and any relevant development plan policy;
- the effect of the proposal on the openness of the Green Belt; and

- if the proposal is inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.
- The Framework at paragraph 149 establishes that the construction of new buildings within the Green Belt should be regarded as inappropriate unless they are a type of building identified under a list of exceptions.
- One such exception relates to 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.
- Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (2019) (GBLP) states that the construction of new buildings in the Green Belt will constitute inappropriate development, unless the buildings fall within the list of exceptions identified by the Framework. It is broadly consistent with the Framework.
- However, Policy P2 of the GBLP differs from the Framework in that under the heading extensions or alterations it states that, 'the original building shall mean either: i. the building as it existed on 1 July 1948; or ii. if no building existed on 1 July 1948, then the first building as it was originally built after this date'. The Council confirm within the Officer Report (OR) that the assessment must be made against the original dwelling.
- The current dwelling, Yew Thatch, is a modern replacement dwelling, dating from 2013. Whilst acknowledging the position of the appellant on this matter, considering the reasonably recent adoption of the GBLP and that the current definition of 'original building' has been consistent within the text of the Framework since 2012, and in the absence of evidence to indicate otherwise, I consider that the differences in the definition are deliberate.
- Details before me relating to the original building are very limited. I have not been supplied with any plans relating to that building and the information presented is limited to text within the OR. However, those details indicate that the proposals would see Yew Thatch adopt a floor area of 245m², a 67% increase in floorspace from the original building. The existing floor area is identified as 218m², a 49% increase in floorspace from the original building.
- The increase in floorspace would be substantial. The proposals would therefore result in disproportionate additions over and above the size of the original building and be inappropriate development within the Green Belt for the purposes of the Framework and Policy P2 of the GBLP.
- A 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. The assessment of openness requires a consideration of both spatial and visual aspects.
- The introduction to the site of the extension and dormer windows would introduce additional bulk through their built form. The presence of these features would partially limit views through the site from within the gardens of the dwelling.
- These are aspects of the proposal which would harm the openness of the Green Belt in both spatial and visual terms. Given the largely secluded and private nature of the site with tree screening, the harm to openness would be limited.
- Nonetheless, there would be harm and the Framework is clear that substantial weight should be given to any harm to the Green Belt.
- I note that the proposal by reason of its design would not harm the character and appearance of the area. The proposal would conserve the landscape and scenic beauty of the Surrey Hills Area of Outstanding Natural Beauty. No adverse impact on neighbouring dwellings is noted.

- I have found that the development is inappropriate development within the Green Belt and is harmful to Green Belt openness. It therefore should not be approved except in very special circumstances. I must attach substantial weight to the harm to the Green Belt and as such, the harm I have identified is clearly not outweighed by the other considerations. Consequently, the very special circumstances necessary to justify the development do not exist.
- For the reasons set out above, and having regard to all other matters, the appeal should be dismissed.

15. Berkeley Homes (Southern) Ltd

Appeal A

North Lodge Farm, Lower Road, Effingham, Leatherhead, KT24 5JP

21/P/01036 – The development proposed is described as hybrid planning application for outline planning permission (only access to be considered) for the erection of 4 self-build dwellings on land at 408-410 Lower Road, Effingham following demolition of all existing buildings; and full planning permission for the erection of 110 dwellings, with access, parking, community assets, landscaping, and associated works on land at Effingham Lodge Farm, Lower Road, Effingham.

Planning Officer Recommendation: To Approve
 Planning Committee – 30 March 2022 - Refused
 Decision – ALLOWED

Appeal B

Howard of Effingham School, Lower Road, Effingham, KT24 5JR

14/P/02109 – The development proposed is described as reserved matters application pursuant to outline permission 14/P/02109 approved on 21/03/2018, to consider appearance, landscaping, layout and scale in respect of the erection of 99 dwellings on Howard of Effingham School. The details of which approval is sought are: appearance, landscaping, layout and scale.

Delegated Decision – To Refuse
 Decision – DISMISSED

Summary of Inspector's Conclusions:

- As set out above, there are two appeals relating to two separate planning applications concerning distinct parcels of land. In the case of Appeal A the land in question concerns three separate areas known as Sites A, B and C. The Council's remaining objections to Appeal A relate only to the development proposed at Site A involving, amongst other things, the erection of 110 dwellings. Consequently, the assessment of the Appeal A scheme set out below primarily relates to the development proposed at its Site A.
- Appeal A is a hybrid planning application with full planning permission sought for all elements of the proposals, including the 110 dwellings at Site A, except for four self-build dwellings proposed at Site B for which outline permission is sought. This outline element seeks only the determination of access at this stage, with appearance, landscaping, layout and scale reserved for future approval. Whilst not formally part of the scheme, I have treated the submitted details relating to these reserved matters as a guide as to how Site B might be developed.

- An extant outline planning permission¹ establishes the principle of the proposed Appeal B development along with details of access. For ease of reference, I refer to that permission as ‘the outline planning permission’ henceforth. It was granted by the Secretary of State via his decision letter dated 21 March 2018, to which my colleague Inspector’s report is appended (the previous Inspector’s report), following a public inquiry held during May and June 2017.
- The outline planning permission approved development at a number of sites in addition to the Appeal B site, including land to the north on the opposite side of Lower Road. In broad terms, the Appeal B site equates to the existing Howard of Effingham School site. The Appeal B scheme is principally for 99 new dwellings pursuant to the outline planning permission. It would entirely replace the existing school as envisaged by the outline planning permission scheme (the Outline Scheme).
- In summary, the Outline Scheme aimed to replace the existing school with a new purpose built school north of Lower Road, and to support this through the delivery of residential development at land to the west of the new school site, at the current school site and at a site to the south at Brown’s Lane. Pursuant reserved matters applications have been made, including two for the new school and associated development that have been approved. The appellant’s case, amongst other things, is that the Outline Scheme is no longer viable such that the Appeal A development is required in order to deliver the new school.
- On the appellant’s evidence, therefore, the Outline Scheme cannot be considered to represent any kind of fallback given that without the Appeal A development it would not be developed for reasons of viability. On this basis, due to the terms under which the appellant seeks planning permission for the Appeal A scheme, it would only be delivered alongside the Outline Scheme, and not as a standalone development. Consequently, it is reasonable to assess the Appeal A scheme on that basis and bearing in mind that the Secretary of State has already found the Outline Scheme to be acceptable, albeit that it does not represent a fallback option.
- It is common ground that the proposed development at Site A of Appeal A would be inappropriate development in the Green Belt in the terms of the National Planning Policy Framework (Framework) paras 147-150, such that it should not be approved except in very special circumstances. I have found no reason to disagree.
- It is also common ground that the Appeal B development would cause *less than substantial harm*, in the terms of Framework paras 199 and 202, to the significance of both the Grade II* listed Church of All Saints and the Little Bookham Conservation Area as designated heritage assets. I have determined Appeal B on that basis as explained in the relevant ‘Reasons’ section below.
- There is a legal agreement, dated 11 October 2022, made under s106 of the Town and Country Planning Act 1990 (the s106 Agreement) concerning the Appeal A scheme only. The Council has confirmed that the s106 Agreement resolves its third and fourth reasons for refusal in respect to that Appeal scheme. I have had regard to it when making my decision.
- The main issues for **Appeal A** are the effect the proposed development would have on the openness of the Green Belt and whether it would conflict with the purposes of including land within the Green Belt by reason of encroachment into the countryside;
- The effect that the proposed development would have on the character and appearance of the area; and
- On the basis that the proposals at Site A would be inappropriate development in the Green Belt, whether any 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 main issue for **Appeal B** is the effect of the proposed development on the setting of the Grade II* listed Church of All Saints and on that of the Little Bookham Conservation Area.

- As part of these main issues both appeals require an assessment of wider considerations some of which are common to both appeals, such as housing land supply.
- The proposed development at Site A would extend the built form of the village north of the housing and west of the school as permitted by the Outline Scheme. Consequently, it would affect the openness of the Green Belt. That effect would be tempered to an extent by the containing effect of nearby development, particularly that planned at the adjoining Outline Scheme site, and of mature planting in the vicinity, particularly the trees that line Effingham Common Road to the west, those that would stand between Site A and the new school site and most significantly the dense woodland at Thornet Wood to the north, which includes Ancient Woodland. In this regard, it should also be noted that the proposed housing would occupy only the southern portion of Site A leaving the northern portion closest to Thornet Wood more open.
- Nonetheless, the proposed development at Site A would have a very marked effect on the openness of the Green Belt, both visually and spatially. This is due largely to the scale and nature of the development proposed and the comparatively open nature of the Site as it stands and even in the context of the permitted Outline Scheme were that to be fully implemented. In short, it would result in a significant reduction in the openness of the Green Belt. For broadly these reasons, the proposed development at Site A would also conflict with the purposes of Green Belt, particularly in terms of safeguarding the countryside from encroachment and checking unrestricted sprawl.
- These considerations, alongside the agreed position that the proposed scheme at Site A would represent inappropriate development in the Green Belt, weigh against the Appeal A proposals and are relevant to the assessment of whether the very special circumstances necessary to justify the development exist. In this regard, the Framework is clear that substantial weight should be given to any harm to the Green Belt.
- There would, therefore, be conflict with Policies ENP-G1 (A Spatial Plan for Effingham) and ENP-G5 (Assessing suitability of sites for residential development) of the Effingham Neighbourhood Plan 2016-2030 (the ENP). These Policies, in terms of how they relate to development in the Green Belt, carry full weight bearing in mind that national Green Belt policy has not changed significantly since the ENP was made in 2018.
- Compliance or conflict with Policy P2 (Green Belt) of the Guildford Borough Local Plan Strategy and Sites 2015-2034 (the GBLPSS) is dependent on the outcome of the assessment of whether very special circumstances exist to justify the development. Consequently, it is dealt with later in my decision.
- As outlined above, the Appeal A development would only proceed in the context of the permitted Outline Scheme. The Council has granted a reserved matters consent for housing pursuant to the outline planning permission on the adjoining land to the south of Site A, which is known as 'Phase 1'.
- By extending the built form of the settlement, beyond that found to be acceptable by the Secretary of State under the Outline Scheme, northward into the countryside, the proposed development at Site A would harm the character and appearance of the area. This is particularly so given the gateway role performed by Effingham Common Road. Moreover, the relevant Landscape Character Area appraisal identifies the value of gaps in linear development, particularly where they allow rural views over fields or into woodland, and that the expansion of residential development along roads and the proliferation of suburban development are detracting features of the local area.
- Nonetheless, that harm would be tempered due to the fairly contained nature of the site as outlined in the preceding section and by the context that would be provided by the approved neighbouring school and Phase 1 housing developments to the east and south. It would,

nonetheless, be readily perceived in the local landscape, particularly from Effingham Common Road, including from the new access point.

- Notwithstanding the harm discussed above, the detail of the development proposed at Site A represents a reasonable response to the site's context, particularly bearing in mind the detail of the scheme approved for the neighbouring Phase 1 development. While the density of the proposed housing at Site A would be somewhat higher than that of the approved Phase 1 scheme, its general design would broadly reflect the principles and character of the Phase 1 scheme. The proposed density is also not untypical of that found in other parts of the village.
- Furthermore, the proposed landscaping scheme, including extensive tree and hedge planting, would help give the impression of a lower density development, providing an attractive setting for the proposed buildings and structures, complementing the existing surrounding mature wooded landscape and assist with assimilating the scheme into its context.
- Nonetheless, the Site A development at large would represent a harmfully urbanising addition to the extended form of the settlement resulting in the loss of open countryside around the village. This harm to the character and appearance of the area would be fairly moderate, though, given the reasonably contained nature of Site A. Accordingly, in that regard, the Appeal A scheme would be contrary to Policy D1 (Place Shaping) of the GBLPSS, and Policy ENP-G2 (Landscape, Heritage, Character, and Design) of the ENP.
- As the appeal scheme would be inappropriate development that is harmful to the Green Belt it should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In addition to the harm identified above there are a number of considerations within the evidence that have the potential to affect the outcome of the assessment of whether very special circumstances exist to justify the development (the VSC balance). While not the only other considerations, notable amongst these are matters associated with housing land supply and the existing and proposed school.
- There was much evidence before the Inquiry relating to whether or not the Council can demonstrate a five-year housing land supply in the terms of the Framework (5YHLS). In this case the so-called tilted planning balance cannot be engaged due to the site's location within the Green Belt. Consequently, in that respect the 5YHLS position is somewhat academic, such that I have not found it necessary to come to a formal position on the matter. In broader terms though, the housing delivery position in the area needs to be adequately appreciated so that the significance of the contribution that the proposed development would make to housing delivery may be appropriately assessed. In that sense the 5YHLS evidence is of considerable assistance.
- During the GBLPSS adoption process, the Council was allowed by the local plan examining Inspector to adopt an approach of spreading past unmet need over the plan period in recognition of the contribution that would be made by strategic allocations which typically have a longer lead-in time. This is known as the Liverpool approach. It contrasts to the Sedgefield approach whereby the level of deficit or shortfall is calculated from the base date of the adopted plan and then added to the plan requirement for the next 5 year period. Of course, I make no criticism of the GBLPSS examining Inspector for taking this approach, the sound justification for which is clearly set out in his report of 27 March 2019.
- Nonetheless, unmet housing need existed at that time. The GBLPSS appears likely to have been adopted on the understanding that housing would be delivered along the lines of the trajectory set out in its Appendix 1. In practice, there has already been significant slippage against that trajectory. The base date employed by the Council and the appellant for their 5YHLS calculations is 1 April 2021, against which there is a substantial shortfall in housing delivery on either of these parties' evidence.

- The Council considers that shortfall to be 828 homes whereas the appellant maintains that it is 1,011, compared to the adopted annualised requirement of 562 homes. Of course this annualised requirement figure is derived from the GBLPSS rather than the Government's current preferred standard method approach. The appellant's evidence indicates the annualised figure calculated using the standard method would be uncapped at 803 homes and capped at 787 dwellings, such that housing need appears likely to be greater than is planned for in the GBLPSS.
- Again, I make no criticism of the approach taken at the time the GBLPSS was prepared and adopted. I make these points merely to help build a reasonable picture of likely housing need as it is understood now. To that end, based on the evidence before me, the appellant's figure of 1,011 homes appears to be the more accurate of the two 5YHLS shortfall figures put forward. The reasons for this are primarily associated with how student accommodation is accounted for. I favour the appellant's evidence on this matter as it appears to be more consistent with the approach taken in the GBLPSS from which the 5YHLS housing requirement is derived. An uplift was applied to the objectively assessed housing need of the GBLPSS to take account of an increased growth in the student population, which is explained in the examining Inspector's report.
- Another area of dispute between the Council and the appellant concerns the yield of housing that would be delivered from 13 specific sites over the relevant 5 years period. The difference between the parties is some 696 homes. As stated above, I have not found it necessary to take a formal position on 5YHLS. I have, nonetheless, used the Council's 5 year housing delivery figure of 3,785 homes as a guide as to what might be delivered in the coming years. In reality, however, it seems more likely that delivery will be notably lower than that figure over the 5 years in question. This is because of some of the likely delivery issues identified by the appellant at the disputed sites, and because the Council's approach to windfall sites is based on past permissions rather than actual delivery such that it is likely to overstate future windfall yield.
- Overall, the key points that come out of the housing supply evidence are that the current delivery backlog is substantial, there has been slippage in delivery, and that the backlog is very unlikely to be fully addressed for several years. Even applying the Council's supply figure of 3,785 homes and using the appellant's shortfall figure of 1,011 homes and the GBLPSS requirement figure of 562 homes per annum, the backlog would not be cleared before March 2026 at the earliest.
- It is worth pausing here to remember that behind these figures are real households that have experienced real housing need for a number of years, need which seems unlikely to be fully addressed for several more years. Consequently, regardless of the 5YHLS position, the contribution the Appeal A development would make to helping to address the evident need for market housing is significant.
- An affordable housing need of 517 homes per annum was identified as part of the evidence base for the GBLPSS. Yet an average of only 39 affordable homes per annum have been delivered in the last 6 years. Unsurprisingly, therefore, the evidence indicates that waiting lists for affordable housing are lengthy in terms of the time it takes applicants to access an affordable home. Accordingly, the contribution that the Appeal A development would make to the delivery of affordable homes would also be significant.
- I have made the foregoing assessment bearing in mind the appeal decision made in May this year concerning development at Land at Ash Manor, Ash, Guildford. Although there is reference to housing land supply in that decision, the Council's case then, that it could demonstrate a greater than 5YHLS, was not in dispute such that the housing land supply evidence at that appeal would not have been tested in the manner that it has been in the case before me. That site also formed part of an allocation in the development plan such that

the principle of its development was not in question. Consequently, in regard to the 5YHLS position, I have given that decision very limited weight when making my assessment.

- The Framework states, at para 95, that *it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*
- The Policy Statement – Planning for Schools Development (the Schools Policy Statement), a joint statement by the then Secretaries of State for Communities and Local Government and for Education, sets out the *Government’s commitment to support the development of state-funded schools and their delivery through the planning system.* While the Schools Policy Statement was published in August 2011 prior to any iteration of the Framework, it remains a statement of Government policy.
- As stated in the previous Inspector’s report, the Schools Policy Statement makes clear that the Government is firmly committed to ensuring there is sufficient provision to meet growing demand and increasing choice and opportunity in state-funded education. Its purpose, to allow for more provision and greater diversity to meet both demographic need and drive increased choice and higher standards, remains unambiguous. Consequently, need in this context is not only comprised of demographic need, but also the need for greater choice as well as the need to raise educational standards.
- In its statement of case for the current appeals, while referring to changed circumstances since the outline planning permission was granted, the Council accepted the need for the school and identified that the benefits of the development include the continuing need for the replacement of the existing school on grounds of the inadequacy of the existing facility and the need for its expansion. Reserved matters, pursuant to the outline planning permission, for the replacement school has been approved by the Council. The approved details include the sixth form centre, the Cullum Centre, office accommodation for the wider school Trust, and a caretaker’s dwelling.
- There is evidence before me that challenges a demographic need for the additional two forms of entry that the approved scheme would provide. Nonetheless, there is good reason to believe that there is in the region of 53 additional places per year, including a capacity buffer to allow for variability and choice, now needed compared to a standard 60 places for two forms per year. Additionally, there are housing proposals in the school’s catchment, which are likely to lead to even greater local need and for which there is uncertainty regarding how such need would be met. Overall, therefore, while there may not be a statutory duty on any school to plan for or provide a specific number of places generally or at sixth form level, there is good reason to believe that there is numerical need for a 10 form entry school.
- Specifically regarding the sixth form, Years 12 and 13, the school’s plan to accommodate 500 students in total also appears reasonable given the evidence regarding stay-on rates from Year 11 and that in the region of 50 external students per school year may join the sixth form.
- Surrey County Council (SCC) does have a statutory duty to secure sufficient schools for providing secondary education. Those schools shall not be regarded as sufficient unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. In my view, need as expressed in policy, as discussed above, goes beyond sufficiency in the terms of SCC’s statutory role. I note also that SCC supports the proposed expanded school.

- There also appears to be no dispute that the school is a good school. This is supported by Ofsted, for instance the sixth form is currently rated as 'Outstanding'. The evidence, taken as a whole, also indicates that it is a popular school. It seems very likely that its appeal would increase, including the sixth form, were the approved school to be implemented given the enhanced facilities that would be on offer not only compared to the existing school but to other schools that might otherwise have attracted students away from it, including non-state schools. Accordingly, while I recognise that there are other high performing schools in the area that will continue to be attractive to students and their parents, the proposed school's capacity appears very realistic in terms of responding to need and of proving sufficiently attractive to meet that planned capacity.
- The Cullum Centre would also respond to a recognised and important special educational need. Incorporating it into the new school, as is planned and as is provided for in the approved school scheme, would allow children to be taught within the mainstream of the school while providing them with the additional support and bespoke space needed to support their education. There is reference to there being potential to provide it at the existing school site and, in theory, it could be provided elsewhere. Moreover, the funding for the Cullum Centre was sought and awarded without reliance on a new school. Nonetheless, in practice there are no realistic firm plans to deliver such a facility other than as part of the new school.
- Given that these special needs students may be either in the mainstream part of the school or within the Cullum Centre, provision should be made for them in both. Making such dual provision is integral to supporting these students' education. Consequently, the addition of the Cullum Centre cannot amount to double-counting in terms of quantifying need for school places.
- The appellant's viability case is linked to the matter of whether or not the cost of delivering the proposed school would be excessive. If it were to be for any reason, including those that might be associated with its design, that excessive cost has the potential to effect the viability of the Outline Scheme.
- Amongst the areas of disagreement between the main parties on this matter are the size of the planned school, the Cullum Centre, the sports facilities, and the school trust offices that are planned to be provided at the new school site. Before considering these and other matters, it is worth remembering that the planned new school is a self-funded project. It is not a Department for Education (DfE) / Education & Skills Funding Agency project and nor would it involve any financial contribution from either. Consequently, the DfE funding model is of limited assistance to my assessment.
- Regarding the school size, Building Bulletin 103 - Area Guidelines for Mainstream Schools, June 2014, (BB103) sets out area guidelines for mainstream school buildings and sites for all age ranges from 3 to 19. On reasonable reading, BB103 provides a floorspace range, as is clearly shown in Figure 4 for ages 11 to 16 and Figure 5 for post 16 places. I see no good reason why these ranges should not be used to help assess the reasonableness of the approved school's area.
- As set out in the preceding sub-section, the planned capacity of 1,500 students in Years 7 to 11, the age range 11 to 16, and 500 students in the sixth form, the plus 16 age group, appears reasonable based on need. Applying Figure 4 to 1,500 students gives an area range of some 10,500-12,000m². Figure 5 only shows the ranges for up to 300 students. Nonetheless, the ranges for 200 and 300 students can be combined to give a reasonable range for a sixth form of 500 students. The result of doing so is a combined area range for a sixth form of some 4,150-4,800m². When these figures are combined, they give a whole school, Years 7 to 13, area range of some 14,650-16,800m².
- The area of the approved school facility alone is some 14,964m². This would be comfortably within the area range identified above based on BB103. The combined area of the school

along with the Cullum Centre, Trust office space and nursery area of the approved reserved matters amounts to some 16,187m², which is also below the upper end of the range for a 2,000 student school.

- Nonetheless, as outlined above, the Cullum Centre would sit alongside the mainstream element of the school to allow students with particular special educational needs to move from one to the other according to their needs at any given time. Indeed, the Cullum Centre appears to align more closely to a designated unit for students with autistic-spectrum disorder, which attracts additional facilities over and above the standard BB103 area allowance rather than an integrated specialist resource provision. Consequently, there is good reason to omit its some 474m² from the area calculations based on BB103. This planned area for the Cullum Centre also appears reasonable in order to accommodate the 20 students it is designed to support.
- As it would serve pre-school aged children who would be well outside the age range considered in BB103 Figures 4 and 5, there is also good reason to omit the some 155m² nursery from the area calculations based on BB103. Nor does this area appear excessive having regard to the evidence on early learning and childcare.
- The Council's evidence is that the school should be planned for a capacity of 1,935 rather than 2,000 students. Applying BB103 Figures 4 and 5 to 1,935 students results in an area range of up to some 16,250m², a little larger than the combined area of the approved school of some 16,187m², including the Cullum Centre and nursery.
- For all of the foregoing reasons, therefore, the approved school area would not be overlarge.
- Regarding sports facilities, including the all-weather pitches, the sports hall and the sprint track, the approved details are large, extensive and of good quality. Nonetheless, given the planned size of the school they do not appear excessive in any way.
- The school forms part of a multi-academy trust, the Howard Partnership Trust (the Trust), which is comprised of 13 schools with a 14th in the pipeline. The Trust's main offices are currently hosted at the existing school site. It is proposed that the new school site would also accommodate the main offices of the Trust. The approved school premises include 594m² of office space for this purpose. In theory this office space could be located elsewhere. Nonetheless, there appear to be sound operational reasons for including this facility at the school now and in the future, including if the school were to relocate to new premises, as is planned, particularly given that this is the lead school in the Trust.
- While I recognise that they would have been purely for illustrative purposes, the details that were before the previous Inspector and the Secretary of State when the Outline Scheme was considered and approved, included clear reference to and provision for such cross-Trust accommodation. Consequently, it is reasonable to conclude that they both found this aspect of the proposals acceptable as a matter of principle even though it is not expressly referenced in the description of development or controlled by way of planning conditions / planning obligation.
- Bearing in mind the scale of the Trust, with some 1,417 employees, and that the proposed space would house a range of functions, including finance, human resources, information technology, estates and senior management, the planned provision for 56 members of Trust staff at the new school seems reasonable. The area of cross-Trust office space that has been approved at the reserved matters stage also appears proportionate to this amount of staff. Overall, therefore, the proposals to accommodate Trust office facilities at the new school appear reasonable.
- A caretaker's dwelling forms part of the approved details which are planned to be implemented as part of the new school site. Like any other aspect of those approved details, it could in theory be omitted or altered via a new reserved matters application. Nonetheless, there is a caretaker's dwelling at the existing school site, which serves a functional purpose

linked to the school use. As one of the key, if not the key, objectives of the overall project is to replace the existing school facility at a new site, it seems reasonable to have included the caretaker's dwelling as part of the new school development. As such its inclusion as planned and approved is not unacceptable for the purposes of assessing viability.

- The Council maintains that a number of costs should be removed from the cost of the new school as forecast by the appellant. At least some of these appear to be as a consequence of using a BCIS rate that appears to be more appropriate for school extensions than for a new school. Extensions can be expected to be less costly than entirely new schools as they are unlikely to require the same infrastructure and may involve the use of existing structures, such as an external wall to build off. Consequently, the use of the BCIS rate employed by the appellant for whole new high schools appears more appropriate. I note that the appellant's detailed costings for the planned school are a little less than this whole school BCIS rate.
- My attention has also been drawn to aspects of the contract between the appellant and the Trust, including in terms of 'Information Computer Technology' equipment and 'Fixtures Fittings and Equipment' for the new school. The general approach taken to these matters appears reasonable, particularly bearing in mind that such existing loose equipment would be largely transferred from the existing school to the new school thereby avoiding additional expense. Nonetheless, the appellant's costings appear to include at least some costs for loose equipment that would be transferred from the existing school to the new school as well as for some equipment that the Trust would fund under the terms of the contract.
- For the foregoing reasons, therefore, I have found no good reason to conclude that the planned school premises would be inappropriate in size, content and quality. Subject to the preceding point, the same can be said in respect to costs.
- I return to costing in the following subsection on viability. Before doing so and while not determinative, I also note that, aside from the planning process, the approval of the Government's Education & Skills Funding Agency is necessary for the school to proceed. I am advised that the Secretary of State has to approve all disposals of publicly owned schools and be satisfied that value for money is being achieved.
- Given the foregoing, while having regard to all of the evidence on viability, overall it has been demonstrated that the Outline Scheme, including the new school, would not be viable without the Appeal A development.
- Given the outcome of the VSC balance, the Appeal A scheme would represent sustainable development in the terms of the Framework, which is a material consideration that, in the particular circumstances of the case, outweighs the conflict with the development plan as a whole sufficient to warrant the granting of planning permission.
- **Appeal B**
- All of the main parties' evidence at the appeal stage identifies at least some harm to the historic environment resulting from the Appeal B development, particularly in terms of the effect it would have on the Church of All Saints, as a grade II* listed building, and on Little Bookham Conservation Area. I have applied the appellant's position that the resulting harm to the significance of each of these heritage assets would be at the lower end of the less than substantial spectrum rather than towards the mid-point as contended by the Council, and that this would be for the reasons identified by the appellant.
- I do not necessarily agree with this position. I have simply employed it as a benchmark to assist in making my decision on the basis that it identifies the least amount of harm that the witnesses on this matter have identified. I have also found no good reason to conclude that the development would be any less harmful to the historic environment than the appellant has identified. It represents the minimum harm, therefore.
- Consequently, in this regard, the Appeal B development would conflict with Policy D3 (Historic Environment) of the GBLPSS, Policies HE4 (Setting of a Listed Building) and HE10

(Setting of a Conservation Area) of the Guildford Borough Local Plan 2003 and Policy ENP-G3 (Archaeology and the Historic Environment) of the ENP. I note that Policies HE4, HE10 and ENP-G3 do not include the public benefits balance of Framework para 202.

- Applying this minimum level of harm as a benchmark, there are two balancing exercises to be done. The first is that set out in para 202 of the Framework, in the context of the statutory requirements of s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act). The second is the more common balancing exercise under s38(6) of the Planning and Compulsory Purchase Act 2004 having regard, amongst other material considerations, to the Framework, including its paras 200 and 202. The former is dealt with first as its outcome has the potential to effect the operation of the latter.
- Para 199 of the Framework gives 'great weight' to the conservation of designated heritage assets irrespective of whether that harm would be substantial or less than substantial. This weight applies to all designated heritage assets and is then amplified in proportion to the importance of the asset. In this case there are two heritage assets that are effected.
- The Appeal B site is not within Little Bookham Conservation Area, but does stand within its setting. While the LBCA Act provides no statutory protection for the setting of conservation areas, para 200 of the Framework establishes the need to consider the negative impact of development within the setting of all designated heritage assets. The Church of All Saints, as a grade II* listed building, is a particularly important building and of more than special interest, with only around 5.8% of listed buildings being at grade II*. Consequently, the weight to be attached to the identified 'benchmark' level of harm to the significance of these heritage assets is very great.
- There are strong public benefits at play in this case. The Appeal B development would directly deliver 99 homes, including 19 affordable homes. In contrast to the Appeal A assessment, I have also taken the appellant's position on housing land supply as a further benchmark to establish relative weight to assist in making my decision on Appeal B. On that basis, the delivery of the homes, both market and affordable, permitted at the Appeal B site would be very significant in terms of public benefits. Moreover, as a component of the Outline Scheme the delivery of the replacement school is dependent on the Appeal B development. For the reasons outlined above, the delivery of the planned new school would also be very significant in terms of public benefits.
- All of the public benefits that have been identified by the appellant, including those associated with the housing to be provided at the Appeal B site and those associated with the new school, would undoubtedly be very weighty as assessed above in respect to Appeal A. In this case, however, in contrast to the Appeal A assessment, the previous Inspector found that the approved development at the Appeal B site could be achieved without *material harm to the setting of the Little Bookham designated heritage assets* and that development of the site *would preserve the setting of the listed buildings, so according with the requirements of section 66*.
- Having regard to all of the evidence, I have found no reason to disagree with the previous Inspector on this matter as set out in his report, including its para 388. Having regard to this and other parts of his report, the Secretary of State agreed *that there is no policy conflict in respect of the impact on the settings of other heritage assets*. It is clear, therefore, that both the previous Inspector and the Secretary of State did not envisage even the least level of harm that would result from the Appeal B scheme when they considered the parent outline application. Moreover, it is reasonable to conclude that a reserved matters scheme of some form for this part of the Outline Scheme could deliver all of the benefits of the Appeal B scheme without harm, or at the least less harm, to the significance of the two heritage assets in question that would occur as a result of the Appeal B development.
- In this context, therefore, notwithstanding the great totality of public benefits, those benefits are not collectively sufficient to outweigh the 'benchmark' less than substantial harm to the

significance of the Church of All Saints and to the significance of Little Bookham Conservation Area, bearing in mind the strong presumption against development that would cause such harm, and that such harm should be given considerable importance and weight, especially having regard to the particular national importance and more than special interest of the grade II* listed building. Consequently, irrespective of the 5YHLS position, the tilted balance of Framework para 11 does not apply.

- Given the outcome of the Framework para 202 balance, even if the appellant's best position on the weight currently carried by the relevant policies of the development plan were to be adopted, when undertaking the s38(6) planning balance there would be insufficient additional weight in favour of the Appeal B development to outweigh the harm to the two heritage assets in question and the associated development plan conflict. Accordingly, the Appeal B scheme does not represent sustainable development in the terms of the Framework and the relevant reserved matters details do not warrant approval.
- For the foregoing reasons, therefore, **Appeal A is allowed**, subject to the appended schedule of conditions, and **Appeal B is dismissed**.

16. Mr Tom Battley

63 Christmas Pie Avenue, Normandy, Guildford, GU3 2EW

22/P/00309 – The development proposed is a separate roof dormer to the front of the bungalow.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issue is the effect of the proposed dormer on the character and appearance of (i) the host dwelling including when seen in conjunction with No. 61, and (ii) the street scene of Christmas Pie Avenue.
- I saw on my visit that the appeal dwelling is one of a semi-detached pair with No. 61, the latter being a corner property at the junction with Szabo Crescent. Both the appeal dwelling and its neighbour already have large dormers on their front elevations. In considering the appeal I have had regard to the fact that the appeal dwelling has the benefit of an extant permission for a hip to gable and rear dormer extension. The current proposal would afford that extension both additional space and light.
- The appeal scheme has the merit of including ground floor alterations to the front elevation that would result in the dormer achieving an element of symmetry. However, when read together with the existing front dormer the front elevation of the dwelling would appear as being unduly dominated by its roofscape.
- This would inevitably result in the building having a top heavy appearance rather than one of a balanced architectural composition. Furthermore in this case, although not part of the appeal dwelling, the existing large dormer at No. 61 would be seen in conjunction with the then pair of dormers at No. 63. This would exacerbate the impact on character and appearance of the semi-detached pair and the street scene of Christmas Pie Avenue.
- As No. 63 is on the corner with Szabo Crescent, I consider that the row of three dormers in close proximity would draw the eye as being buildings of a poor design. I acknowledge the appellant's point that there are other bungalows in the road with front dormers, but by and large these have pitched roofs and more proportionate to the roof plane.
- Overall, I conclude that the appeal proposal would have an unacceptably adverse effect on the character and appearance of the appeal dwelling and the street scene of Christmas Pie Avenue. This would be in harmful conflict with Policy G5 of the Guildford Borough Local Plan 2003; Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 adopted in 2019; the Guildford Residential Extensions and Alterations SPD 2018, and with Government

17. Mr Graham French

30 Litchfield Way, Guildford, GU2 7QH

21/P/02701 – The development proposed is described as development of a rear dormer.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issue is the effect of the proposal on the character and appearance of the surrounding area, Onslow Village Conservation Area (OVCA) and the significance of the OVCA.
- The character, appearance and significance of the OVCA essentially relate to its design as a 'Garden City estate' modelled on the ideas of Ebenezer Howard's Garden City Movement.
- The dwellings occupy mature landscaped gardens and face towards narrow roads, often with planted verges and interspersed with areas of open space. The dwellings are harmoniously designed to relate to each other and their positions within the street scape. They are constructed from a limited palette of materials and typically, have uncluttered, steeply pitched roofs, with prominent front facing gables and prominent chimneys. Below roof level the windows are made from timber and have small panes. All of these features contribute to the cohesive village character and appearance of the OVCA and its significance.
- As advised in the officer report, the OVCA Study and Character Appraisal advises that roof dormers are likely to disrupt the simplicity and clean lines of the villages roofscape and to avoid their insertion.
- The appeal dwelling is located close to the junction of Litchfield Way and Vicarage Close. It comprises one of a pair of symmetrically designed two storey houses with hipped roofs, large projecting gables at either end and chimneys located centrally and to the rear of each gable. The pair of dwellings are set back from the road behind modest front gardens that are enclosed by hedges.
- To the rear the appeal dwelling has a two-storey extension with a hipped roof, which projects across approximately half the width of the dwelling. It is similar to the rear projecting wing of the adjacent semi-detached dwelling at 28 Litchfield Way. The appeal dwelling also has a single storey rear extension with a flat roof and large areas of glazing. At roof level the appeal dwelling has three modest sized rooflights within the main roof-slope. Beyond the appeal dwelling the rear garden falls away towards the rear gardens of the adjacent dwellings in Curling Vale.
- As indicated by the appellant, within the rear garden environment and this part of the OVCA, there are a number of dwellings with dormer extensions. I am not aware of all of their ages or planning status, although note that some pre-date the current development plan policies, supplementary advice and/or the National Planning Policy Framework 2021 (Framework).
- Overall, I find that the existing dormer extensions have assimilated into the roofscape with varying degrees of success. The larger box style, flat roofed dormers, which project close to the ridge and eaves lines are particularly prominent. Both individually and collectively they have started to erode and detract from the ordered and

uncluttered roofscape. Some of the smaller dormer extensions, particularly those on bungalows and chalet bungalows, have been more successful in blending in with the character and appearance of their host buildings and the OVCA. Accordingly, rather than set a precedent, the existing dormer extensions in the surrounding area serve to illustrate how some roof additions have materially detracted from the character and appearance of the dwellings concerned, their setting and the OVCA. They reinforce the need to assess each proposal on its individual merits and in light of the prevailing planning policies.

- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance. Section 16 of the Framework states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm requires clear and convincing justification. Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against any public benefits that would result from the proposal.
- Policy D3 of the Guildford Borough Plan: Strategy and Sites 2019 (LPSS) and policy HE7 of the Guildford Borough Local Plan 2003 (LP), are consistent with this. LP Policy HE7 (3) states that consideration has to be given to the impact of development on the townscape and roofscape of conservation areas.
- Amongst other things, paragraph 130 of the Framework states that new development should be visually attractive as a result of good architecture; maintain a strong sense of place and add to the overall quality of the area. Consistent with this LP Policy G5 and LPSS Policy D1 require new development to be designed to a high quality. Development should respond to the distinctive local landscape character and integrate into the existing landscape. Section 1 of the Council's Residential Extensions and Alterations Supplementary Planning Document 2018 (SPD), states that the purpose of the guidance is to assist in the design of extensions and advises on the best way to provide extra accommodation, whether they require planning permission or fall within permitted development tolerances. Section 3.3 of the SPD explains that the roof of a dwelling has a major impact on the dwellings character, which forms an important role within the street scene. As such, roof extensions should be positioned to the rear of the property and should be sympathetic and usually subordinate to the existing roof and the dwelling as a whole. Roof extensions should usually sit below the ridge line and occupy no more than half the width or depth of the roof. The proposed fenestration should reflect the proportions and style of the existing windows and normally align with the windows below. Notwithstanding this advice the SPD acknowledges that the borough is diverse in character and that the guidance cannot reflect every individual situation.
- The proposed rear dormer would occupy an elevated and prominent position within the rear garden environment. It would project across a significant proportion of the main rear roof-slope and would sit a short distance below the main ridge and above the ridge line of the projecting rear extension. The proposed dormer extension would have a primarily flat roof, which would project out from the existing roof plane by approximately 2.5 metres and its rear elevation would sit close to the rear eaves line. The inner edge of the proposed dormer's roof would be hipped, which would leave

space around the central chimney, resulting in an asymmetric roof design. The proposed rear fenestration would be full height and its depth and proportions would be materially larger than those of the first-floor window below it.

- As a result of these factors, notwithstanding the use of tile hanging to match the existing roof, the proposed dormer extension would look unduly bulky and top heavy, both in relation to the roof and rear elevation of the dwelling. The roofline of the proposed dormer extension would appear awkward and due to its combined height and width the proposed fenestration would exacerbate the bulky, top heavy and prominent appearance of the dormer extension. It would unacceptably harm the appearance of the host dwelling, the pair of dwellings and the roofscape as a whole. When viewed from within the surrounding rear garden environment, from between dwellings in Curling Vale and from the footpath between Curling Vale and Vicarage Gate, it would materially detract from the character and appearance of the host building, surrounding area and the OVCA.
- Due to its siting on the rear roof slope of the appeal dwelling the harm the proposed dormer extension would cause to the significance of the OVCA would be modest and so less than significant. However, as required by paragraph 202 of the Framework, this harm needs to be weighed against any public benefits resulting from the proposal.
- During its construction, the proposed dormer extension would provide direct and indirect employment and so would contribute to the local economy. In addition, the proposal would make full and effective use of the existing building and enhance its energy efficiency. However, both individually and together these public benefits would clearly fail to outweigh the harm that would be caused to the significance of the OVCA.
- It is acknowledged that the proposed scheme does not affect the front roof-slope of the dwelling, the groupings of the dwellings or any trees. Also, that the chimney is retained, and matching materials are used. However, the absence of harm to these features does not mitigate the harm that would be caused by the proposal. Further, the harm to the character, appearance and significance of the OVCA that would be caused by the proposed development would outweigh the personal benefits for the appellant and their family that would result from the proposed additional light, headroom and increased insulation within their existing second floor bedroom.
- Finally, it is acknowledged that, if located outside the OVCA the proposal may fall within the permitted tolerances for a rear dormer extension and so would fall outside the scope of the policies and proposals within the development plan. However, as the proposal is within a conservation area, it needs to be assessed against the prevailing policies and advice. Although some of these policies may be old, in relation to the LP policies cited above, they are consistent with the Framework and the LPSS.
- I conclude that the proposal would materially harm the character and appearance of the host dwelling, the surrounding area and the OVCA. The less than significant harm the proposal would cause to the significance of the OVCA would not be outweighed by any public benefits. Accordingly, the proposal would conflict with LP Policies G5 & HE7, LPSS Policies D1 & D3, section 3.3 of the SPD and Section 16 and paragraph 130 of the Framework.
- The conclusion on the main issue amounts to a reason for dismissing this appeal, which could not be satisfactorily addressed through the imposition of conditions.

18. Mr Norman Lott

Manor House Cottage, Mill Lane, Pirbright, GU24 0BN

21/P/01753 – The development proposed is the erection of an oak framed home office/garden store replacing an existing garden store outbuilding.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The appeal site is within the Green Belt and therefore the main issues are 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; and,
- would any 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 situated in a secluded plot at the end of a private road. There is an existing outbuilding that provides garden storage which is located to the north of the dwelling and adjacent to a large, paved, area. The proposal would remove this existing structure and erect a larger outbuilding that would accommodate both garden storage and office space. The proposed outbuilding would overlap the footprint of the existing garden shed to a small degree and would be positioned closer to the main 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 replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- The evidence indicates that the proposed outbuilding would have a floor area of approximately 28 square metres, which would represent an 86% increase from the 15 square metre footprint of the existing outbuilding. The height of the proposed eaves would be broadly similar to the existing, however the proposed ridge height would be approximately 4.3 metres compared to the 2.5 metre ridge height of the existing building. While the use of the proposed outbuilding is the same as the one it replaces, the proposed scheme would have a comparatively considerably larger size.
- Overall, the proposed outbuilding would be materially larger than the outbuilding it replaces. As such, it would not meet the required criteria of the Framework exception and therefore would constitute inappropriate development in the Green Belt. It would conflict with Policy P2 of the Guildford borough Local Plan 2015-2034, adopted April 2019, which seeks to ensure that the Green Belt is protected against inappropriate development.
- 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.
- The appellant has directed my attention to case law that has clarified the consideration of openness. Both the Turner¹ and Euro Garages Ltd² cases relate to

an exception to inappropriate development which allows for limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt than the existing development. The Samuel Smith Old Brewery (Tadcaster)³ case relates to a proposal for mineral extraction which was considered against a different exception that requires such development to preserve the openness of the Green Belt.

- In these exceptions, there is direct reference to considering the impact on openness in reaching a view as to whether the development would be inappropriate in the Green Belt. Whereas this appeal scheme is considered against an exception which requires that a replacement building is in the same use and not materially larger than the one it replaces. As this exception does not reference the impact on openness, as a direct element of assessing whether it would amount to inappropriate development, I do not find these cases to be directly relevant to my consideration of this appeal.
- The proposal would result in a larger outbuilding at the site than the existing structure. This additional size would reduce the openness of the Green Belt to a small extent. However, given the proposal's secluded position and its close visual and spatial relationship with the main dwelling, the impact on openness would be very limited. Despite the proposal's proximity to the dwelling and the increased openness of the north end of the plot through the removal of the existing outbuilding, the proposal would have a greater footprint and height and so, while very modest, would lead to an overall reduction in openness.
- The proposal constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The very limited harm to openness would also add 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. 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.
- Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.