
Appeal Decision

Site visit made on 25 October 2016

by Rory Cridland LLB (Hons)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 November 2016

Appeal Ref: APP/F0114/D/16/3156592

Hillside House, Pensford Hill, Pensford, Bristol BS39 4AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steve James against the decision of Bath & North East Somerset Council.
 - The application Ref 15/04602/FUL, dated 11 October 2015, was refused by notice dated 27 May 2016.
 - The development proposed is described as “construct [a] new traditional roof structure and covering with clay pan-tiles and glazed screen to gable end. To build second floor accommodation within a new roof structure, comprising of Master Bedroom Suite”.
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Decision

1. The appeal is dismissed.

Main Issues

The main issues are:

- (i) whether or not the proposal is inappropriate development in the Green Belt;
- (ii) the effect of the proposal on the openness of the Green Belt;
- (iii) if the development is inappropriate, 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.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt.

2. The appeal site is situated in the Green Belt. Policy CP8 of the Core Strategy¹ (CS) seeks to protect the openness of the Green Belt from inappropriate development in accordance with national planning policy. Furthermore, Policy HG.15 of the Bath and North East Somerset Local Plan (2007) permits proposals to extend a dwelling in the Green Belt provided, amongst other things, they do not represent a disproportionate addition over and above the size of the original dwelling.

¹ Bath and North East Somerset Composite Core Strategy - Adopted 10 July 2014

3. The National Planning Policy Framework ("the Framework") indicates² that, other than in connection with a small number of exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. Furthermore, the extension or alteration of a building, providing that it does not result in disproportionate additions over and above the size of the original building, is one of the listed exceptions. The central question is therefore whether the extension proposed, taken cumulatively with the previous alterations to the original building, would constitute a disproportionate addition.
4. The term original building is defined in Annex 2 of the Framework as being the building as it existed on 1 July 1948³. However, neither the Framework nor Policy CP8 provides any guidance about the approach to take in considering such proposals. Some guidance can be found in the Council's Supplementary Planning Document on Existing Dwellings in the Green Belt ("the SPD") which indicates that extensions resulting in volume increases of around a third of the original dwelling would be more likely to be acceptable.
5. The building has been subject to a number of alterations and additions including the provision of a flat roof. The proposal would, amongst other things, replace this roof and create a raised roof structure to allow new second floor accommodation. A new window is also proposed on the north east elevation. Overall, there would be a cumulative percentage increase in size from that of the original dwelling of around 49%. While I note that the flat roof is a more recent addition and the stairs leading from the first floor indicate that there may have previously been habitable rooms above, such an increase in size would be significantly greater than that set out in the SPD. This indicates that the proposed increase would be unacceptable.
6. On balance, in comparing the size of the original building in 1948 to the one that would result if the proposal were to go ahead, I consider the increase in size would be disproportionate. As such, in not benefiting from one of the exemptions set out in Paragraph 89 of the Framework, I find the proposal would be inappropriate development which is, by definition, harmful to the Green Belt.

Impact on openness.

7. The Framework indicates that openness is an essential characteristic of the Green Belt. In my view openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt. In view of the significant screening surrounding the site, its visual impact on openness would be limited. However, spatially it would increase the height and bulk of the property resulting in a corresponding reduction in openness. Although a reduction in openness is not ruled out by the Framework, any such reduction requires justification either by means of an exemption or by demonstrating that very special circumstances (VSC's) exist.

Other Considerations

8. The proposed alterations would improve the appearance of the existing building, a matter which I afford a modest amount of weight.

² at Paragraph 89

³ or, if constructed after 1 July 1948, as it was built originally.

9. However, I have found that the proposal would represent inappropriate development in the Green Belt which is, by definition, harmful. In accordance with Paragraph 88 of the Framework, I afford this substantial weight.
10. As well as being situated in the Green Belt, the appeal site is located in the CA. The Council's concerns regarding the additional height and bulk of the building also extend to its impact on the CA, with the suggestion being that as a result it would fail to preserve or enhance it. I do not agree with this assessment. The present building has been significantly altered and the flat roof structure has a negative impact on both the building itself and the wider CA. Its removal and replacement with a pitched roof, which the Council accepts would have been part of the original design, would improve the building's overall appearance to the benefit of the wider CA. When weighed against the negative impacts that would result from the increased bulk and height, I consider the overall impact on the character and appearance of the conservation area would be neutral. As such, I consider the character and appearance of the CA would be preserved. A lack of harm in this respect does not, however, weigh positively in favour of the proposal.

Conclusions

11. Accordingly, for the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR