
Appeal Decision

Site visit made on 21 December 2016

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 23 January 2017

Appeal Ref: APP/X4725/D/16/3160293

55 Almshouse Lane, Newmillerdam, Wakefield WF2 7ST

- 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 Mark Vollans against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 16/01759/FUL, dated 20 July 2016, was refused by notice dated 8 September 2016.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is within the Green Belt and therefore the main issues are:
 - i. Whether the proposal would be inappropriate development for the purposes of the development plan and the National Planning Policy Framework (the Framework);
 - ii. The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area; and
 - iii. If the proposal would be 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 it.

Reasons

3. The appeal property is a semi-detached bungalow situated on the edge of the settlement of Newmillerdam and within the Green Belt. This particular part of Almshouse Lane is defined by no clearly defined design characteristics and is predominantly residential properties which have a mix of types, styles and materials. It is rural in character, set adjacent to open agricultural fields.

Inappropriate development

4. The Framework establishes that new buildings within the Green Belt are inappropriate unless, among other things, it involves the extension or alteration of a building. This is provided that it does not result in disproportionate additions over and above the size of the original building.
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Policy D23 of the Wakefield Local Development Framework Development Policies April 2009 (DM Policies) allows, among other things, for extensions to existing buildings, including dwellings, subject to criteria that are consistent with the Framework. However, it contains no specific guidance about the level of development that would constitute disproportionate in considering such proposals.

5. The Framework advises that the term 'original building' means a building as it was on 1 July 1948 or, if constructed after that date, as it was originally built. Consequently, this forms the starting point for such an assessment.
6. It is clear from the evidence before me and from my own observations on site that the dwelling has been altered and extended over time. A conservatory has been erected on the front of the building, a pitched roof side extension has been erected pursuant to planning permission granted in 2002 and a lean to rear extension has also been erected.
7. Although the Council suggests that anything over 50% additional build in terms of footprint and/or mass over and above the original is held to be disproportionate, that appears to be nothing more than a rule of thumb, although I recognise that the officer's report indicates that this has been applied consistently. I note, however, that the Framework refers to the 'size' of the original building. Consequently, I shall look at the overall size increase in terms of both volume and external dimensions, as well as considering footprint.
8. No detailed measurement or calculations are before me. However, the officer's report sets out that the previous extensions have already added some 84% to the footprint of the original bungalow, with an increase in mass somewhere in the region of 50%. Whilst the extension currently proposed may be seen as modest when considered in isolation, I am in no doubt that the cumulative increase in the size, over and above that of the original building, would be so great that it falls to be considered as disproportionate. As a consequence, I find that the proposed extension would comprise inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt and contrary to Policy D23 of the (DM Policies) and the Framework.

Openness, character and appearance

9. Openness is an essential characteristic of the Green Belt. By increasing the footprint and massing of the building, the proposal would reduce its openness to some extent. I am mindful that visual impact is implicitly part of the concept of openness and note, in this regard, that notwithstanding the boundary hedge and other planting, or the fact that it would be seen against the gable end of the host property, the proposed extension would, as a consequence of its elevated position, clearly be noticeable from the adjacent road and thus would be experienced visually.
10. Moving onto general character and appearance, a quite different concept from the openness of the Green Belt, I consider that, in isolation, the scale, siting and design of the proposal is acceptable in terms of it being of a relatively small scale and of a design that reflects that of the host property, including a pitched roof and being single storey. That said, this is a semi-detached property. I recognise that the original symmetry of the semi-detached pair of bungalows is not immediately obvious given the extensions and alterations that

have taken place over the years, the set back corner location of the properties, dense hedge along the frontage of the properties and mature hedge between the front gardens. However, the property has already been extended more than No 53 to which it is attached and further extension would further unbalance the two properties, with consequent harm to the established character and appearance of the area, contrary to the overall design objectives of Policies D9 and D10 of the DM Policies.

Other considerations

11. The appellant contends that in the absence of clear policy direction in terms of defining what would amount to a disproportionate addition, the current appeal should be made on a balanced judgement on the impact of the development in relation to the five purposes of including land within the Green Belt according to the Framework.
12. I do not agree. The absence of any clear policy direction as to what might amount to a disproportionate addition does not negate the need to come to a view as to whether or not what is proposed is inappropriate in terms of Green Belt policy. In any event, I have found that the development proposed would be inappropriate due to the cumulative increase in additions to the property over and above the size of the original dwelling. That would, in turn, conflict with the key objective relating to safeguarding the countryside from encroachment. Accordingly, this aspect of the appellant's case does not attract any positive weight.

Conclusions

13. The proposal comprises inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. To be added to that harm is the harm to openness that I have identified and the harm to the character and appearance of the area. Paragraph 88 of the Framework indicates that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist, unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I have considered the other considerations put forward but they do not carry any positive weight. I am not persuaded therefore, that the very special circumstances necessary to justify the proposal exist in this case. Accordingly, for the reasons set out above, I conclude on balance that the appeal should not succeed.

Alastair Phillips

INSPECTOR