

Appeal Decision

Site visit made on 11 January 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 31 January 2017

Appeal Ref: APP/E2734/D/16/3165352

Westbeck House, West Lane, Askwith, LS21 2JQ

- 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 A Norris against the decision of Harrogate Borough Council.
 - The application Ref 16/02890/FUL, dated 8 July 2016, was refused by notice dated 17 October 2016.
 - The development proposed is a first floor extension to front.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy; and
 - (ii) the effect of the proposal on the character and appearance of the surrounding area, including the Nidderdale Area of Outstanding Natural Beauty.

Reasons

Whether the proposal would be inappropriate development

3. Paragraph 87 of the Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is to be regarded as inappropriate development, subject to the express exceptions outlined in paragraph 89.
 4. These include the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. The term 'original building' is defined in Annex 2 of the Framework as a building as it existed on July 1948 or, if constructed after that date, as it was originally built. In this case I note from the appellant's evidence that the dwelling was built in the 1980's and it has not previously been extended.
 5. The Framework does not define how a proposal might be considered disproportionate. However, the Harrogate Borough Council House Extensions and Garages Design Guide – Supplementary Planning Document 2015 (the
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SPD) advises that extensions which would result in a 50% increase of the ground floor area of the original dwelling will not be permitted, unless an exceptional household need is demonstrated. Given that the proposal is for a first floor extension, it would not contravene this criterion.

6. I note the Council is concerned about the scale and design of the proposal. I shall consider the issue of design below. In a Green Belt context, the matter of scale is primarily an objective test just based on size. Despite what may be the visual impact of the scheme, the actual increase in size would not be a disproportionate addition over and above the size of the original building.
7. I therefore find that the proposal would not conflict with the size guidance within the SPD and it would not constitute inappropriate development in the Green Belt, in accordance with paragraph 89 of the Framework. Where development is found to be not inappropriate development according to the Framework, case law (*Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404*) has established that it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in it.

The effect on the character and appearance of the surrounding area

8. In addition to its location within the Green Belt, the appeal site is situated within the Nidderdale Area of Outstanding Natural Beauty (AONB). As such, the Framework requires that great weight should be given to conserving the landscape and scenic beauty of AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The area adjacent to the appeal site is characterised by dwellings of varying designs which are surrounded by open and verdant countryside.
9. The increase in height of the front elevation and in particular the new gable would result in the front wing of the house having a substantially more dominant profile. Moreover, the proposed roof line would cut across the existing first floor windows in the main part of the house thus creating a discordant juxtaposition to the main front appearance of the house. As such, the proposed development would appear as a visually unbalanced and incongruous addition to the existing dwelling.
10. Although the proposal would be set back from the street, the adverse visual impact would be apparent in public views along West Lane despite the mature landscape located on the front boundary. The proposal would also be noticeable in longer views from within the AONB. Accordingly, I find that the proposal would have a materially adverse effect on the character and appearance of the area contrary to the aim of protecting the landscape and scenic beauty of the Nidderdale AONB.
11. Consequently, the proposal would be at variance with Policies SG4 and EQ2 of the Harrogate Borough Council Local Development Framework Core Strategy 2009, Policies C1, H15 and HD20 of the Harrogate District Local Plan 200 and guidance contained within the SPD. These policies when taken together seek amongst other things, to ensure that the design and appearance of new development in the AONB is sympathetic to the special character, appearance or natural beauty of the area. The proposal would also be contrary to the objectives of the Framework in relation to the protection of AONB's.

Other Matters

12. I note that the proposal would provide additional accommodation for the current occupiers in the form of a new master bedroom, en-suite and dressing room. Moreover, I acknowledge that the appellant contends that the scheme before me represents a change in design which addresses the concerns raised by the Council in relation to an application refused in 2012¹ for the raising of roof height to provide first floor living accommodation. In addition, I have taken into consideration that no objection was received from Mid Wharfedale Parish Council.
13. Nonetheless, in my opinion these matters do not outweigh the harm identified in relation to the character and appearance of the area which is in an AONB.

Conclusion

14. In light of the above, and having regards to all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR

¹ Council reference 10.09.2012